



Annual Report

No. 34

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Chairman's Foreword

Julian Disney
Chairman



It was a pleasure and privilege to be invited to become Chair of the Council from December 2009. My predecessor, Prof Ken McKinnon, made an exceptional contribution to the development and achievements of the Council during his nine years in office. A tribute which was published in the Council's newsletter is reproduced in this report. I am especially indebted to him for the frank and wise advice which he provided in response to my many requests during the period of transition.

The Council's activities during 2009-10 are described in the body of this report. They include, of course, the central role of responding to complaints by members of the public about particular content in newspapers, magazines or related websites. This year saw continuing improvements in the speed and effectiveness with which complaints were handled. The Council is nevertheless committed to further enhancing our performance. This foreword will focus on three other areas in which the Council has continued or begun to become closely involved.

The Council also has sought and supported positive government initiatives to improve access to information by the media and general public, particularly in relation to government initiatives and processes.

Freedom of speech and access to information

Some of the Council's research and advocacy in these areas has sought to prevent or reverse deteriorations resulting from governments' purported concerns about terrorism and national security. The Council also has sought and supported positive government initiatives to improve access to information by the media and general public, particularly in relation to government initiatives and processes.

It was especially pleasing to see the major changes in law and policy concerning access to government information which were initiated during the year by the Commonwealth and Tasmanian governments. There is a clear risk, of course, that this progress will be eroded as the governments stay longer in office and intransigent bureaucrats marshal their resistance. However, the establishment of an Australian Information Commissioner and the excellent first appointment to that office give good grounds for optimism.

The Commonwealth Government's recent commitment to far-ranging legislative protection for whistleblowers addressed an area which had been of major concern to the Council for many years. It must now be implemented, of course. The protection should apply not only to disclosure of government information but also to other forms of public interest disclosure, including of corporate information. A necessary corollary is greater protection for journalists who preserve confidentiality for their whistleblower sources, along the lines of recent New Zealand legislation. It is also good to see the new Parliament taking up this issue through a Private Member's Bill.

Privacy has always been an issue of major concern to the Council. Recent reports from three Law Reform Commissions have contributed to growing pressure for re-evaluation of existing laws and practices. The Council has recognised the need to contribute to this process because of its role in promulgating principles which provide an exemption for print media from current laws. A review of those principles will be undertaken during the coming year. On the related issues of suppression orders and access to court information, the Council has welcomed some government responses to its concerns but will continue to seek greater transparency and further reform.

Privacy has always been an issue of major concern to the Council. Recent reports from three Law Reform Commissions have contributed to growing pressure for re-evaluation of existing laws and practices.

Chairman's
Foreword

The Council is also beginning to strengthen dissemination of its standards. This will include seeking to embed them in internal materials which publishers instruct their staff to consult. Wider promotion of standards through interviews with print and electronic media will be actively sought, especially when particular journalistic practices are attracting public debate.

Strengthening media standards

The Council has decided to commence a major review of its standards and related material. This will include drawing on its existing statement of general principles to expand the range of specific situations for which it publishes guidelines or other advice. It will also draw on existing standards from other media regulators and publishers' internal codes, and will canvass the views of consumers. Practical examples, whether real or hypothetical, will accompany the standards in order to enhance their relevance and impact.

The Council is also beginning to strengthen dissemination of its standards. This will include seeking to embed them in internal materials which publishers instruct their staff to consult. Wider promotion of standards through interviews with print and electronic media will be actively sought, especially when particular journalistic practices are attracting public debate. Improvements in the prominence given to the Council's published adjudications are being implemented. Consideration is also being given to broader publication of the essence of key adjudications and of key outcomes from the many complaints to the Council which are resolved satisfactorily without a formal adjudication.

An essential part of the Council's responsibilities is to assess the practical effectiveness of its standards. While consideration of individual complaints is valuable in this regard, the Council has previously undertaken or commissioned a number of systemic reviews of media coverage of particular issues or events. The main aim has been to assess the adequacy or otherwise of the Council's standards and of compliance with them. This approach will continue to be a very important aspect of the Council's work and will be complemented by convening regular Round Table discussions involving editors and community leaders.

Responding to the Internet

The advent of the Internet and related technologies is changing the role of the print media with ever-increasing speed. Many newspapers are placing greater emphasis on their on-line publications and on making these publications readily available through mobile devices such as "smartphones" and "tablets". Publishers are tending to change on-line content more frequently, to include audio or video material, and to incorporate or provide links to material from external sources including radio or TV. Many newspaper publishers are, in effect, becoming multi-media enterprises.

These developments can enable a greater range of information and opinion to be accessed and disseminated more widely, quickly and economically. On the other hand, the greater opportunities and pressures to publish rapidly can adversely affect the accuracy and quality of content. Print publishers are now subject to intense competition from on-line sources which do not incur printing or distribution costs and, in many cases, draw mainly on material generated by others rather than employ their own journalists. Some of these sources are less constrained by principles of good journalism, especially if they are effectively shielded from identification and sanction.

The Council's jurisdiction includes both the print and on-line publications of its members. It is increasingly receiving complaints about on-line content which raise difficult issues about the extent to which existing standards and processes for print need to be adjusted or supplemented for on-line content. The assertion by many editors that the same standards should apply to print and Internet does not appear to be appropriate or realistic in all circumstances. Certainly it is not always being applied in practice, even by some who espouse it.

At present, only one of the Council members publishes solely on-line. The Council will continue to invite other on-line publishers to become members and thus subject to its regulation. This reflects a desire to avoid unnecessary duplication, inconsistency or gaps between the regulatory processes which apply to print and on-line publications in the area of news and current affairs. Consideration will also need to be given to the possibility of encouraging membership by serious bloggers who focus on the same area.

A related issue is whether the Council should encourage its publisher members to promote their membership prominently on their websites as well as in their other publications. This approach could help to indicate, and reinforce, their commitment to good standards of journalism and their respect for consumer concerns. It might help, in a modest way, to combat an Internet-induced "race to the bottom" which many experienced editors and journalists believe is threatening the standards and eventual viability of high-quality journalism.

These issues will not be easy to resolve in principle or practice. The rapidly growing convergence across media platforms should be accompanied by an appropriate degree of convergence between the standards and processes of the Council and other media regulators. The goal should be convergence, not uniformity; some differences and flexibility are essential to reflect differing circumstances and responsibilities. But failure to promote convergence may increase the risk of any formal changes in the ambits of respective regulators being unduly coercive involuntary or disruptive.

Conclusion

The Council's work in these key areas of strengthening media standards and adjusting to the Internet will be given extra momentum by a three-year Standards Review Project commencing early in 2011. The project will be funded by grants made to the Council expressly for that purpose and will include extensive consultation within the media industry as well as with community leaders and the general public.

The year under review was especially difficult for many Council members due to the substantial cuts in funding for the Council. The circumstances were particularly trying for the public and journalist members, whose role is fundamental to the Council's integrity but serve on an honorary basis and had to accept cutbacks in travel assistance which was already parsimonious. Their admirable commitment and restraint was of crucial importance to the Council.

Staff cuts forced by the financial situation placed a heavy burden on the Executive Secretary, Jack Herman, and the Case Manager, Deb Kirkman. I am most appreciative of their willingness to carry this extra load without compromising the quality of the Council's work.

Happily it became clear during the year that the Council's resources will improve progressively from the beginning of 2010-11. Further growth will be essential for the Council to meet its responsibilities and the challenges. But it will also have the benefit of the renewed commitment and cooperation which has emerged from its recent travails.

Julian Disney
Chair
October 2010

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Jack R Herman

Report on free speech issues

According to Freedom House, in its 2010 report, Australia is now ranked equal 37th among the nations of the world in so far as press freedom is concerned (from 38 in 2009). Reporters sans Frontieres (in its 2009 list) ranks Australia in 16th place (from 28th in the previous year).

Australia has no constitutional protection for freedom of communication, although both the ACT and Victoria now have legislation guaranteeing human rights. In absence of an overriding guarantee, any action taken by government, the courts or corporations can have an excessive impact on the ability of the press freely to report matters of public interest and concern.

Over the past decade there has been an apparent erosion of press freedom in Australia. Recent data have been conflicting but suggest that the trend appears to have been halted in the past few years, if not ameliorated. According to *Freedom House*, in its 2010 report, Australia is now ranked equal 37th among the nations of the world in so far as press freedom is concerned (from 38 in 2009). *Reporters sans Frontieres* (in its 2009 list) ranks Australia in 16th place (from 28th in the previous year).

The Press Council's interest in free speech area arises from its Objects, which seek to promote freedom of speech through responsible and independent print media, and adherence to high journalistic and editorial standards by, among other things:

- keeping under review, and where appropriate, challenging political, legislative, commercial or other developments which may adversely affect the dissemination of information of public interest, and may consequently threaten the public's right to know;
- making representations to governments, public inquiries and other forums as appropriate on matters concerning freedom of speech and access to information; and
- undertaking research and consultation on developments in public policy affecting freedom of speech, and promoting public awareness of such issues.

In its previous Annual Reports, the Council published material about the current state of play in the issues about which it has made representations. In the 2006 *State of the News Print Media in Australia*, its 2007 *Supplement* and the 2008 *State of the News Print Media in Australia*, the Council published detailed reports on the issues impacting on freedom of communication. All of that material is available from the Council's website.

This report concentrates solely on the Council's free speech activities in 2009-2010.

Government Restrictions

Electoral Comment

On August 5 the Council wrote to the Parliament of Victoria Electoral Matters Committee on its inquiry into provisions on misleading or deceptive electoral content in the *Electoral Act 2002*. The Executive Summary read:

The Australian Press Council makes two specific points:

- the *Electoral Act* should exclude from its ambit fair third party news reports, and commentary upon those reports; and
- if there is a decision to include a redress or corrections policy within the Act, the provisions of that policy should ensure that the person or entity responsible for the original statement is responsible for the publication of any correction.

The full submission can be found at:

http://www.presscouncil.org.au/pcs/site/fop/fop_subs/elect.html

Secrecy Laws

On August 12, the Council made a submission to the Australian Law Reform Commission in response to Discussion Paper 74, *Review of Secrecy Laws*. The Executive Summary read:

The Australian Press Council believes government information should be available to the public unless its disclosure would be likely to result in substantial damage to the public interest. Changes to secrecy laws should be viewed in the light of forthcoming amendments to Freedom of Information laws and should adopt a position in favour of open government similar to that that underlies the proposed changes to Fol

Any legislation permitting information to be kept secret should include an objects clause stressing the importance of open government. The default position must be that information is available, except in specific and carefully defined circumstances.

In scrutinising government conduct, it is essential that the media have access to information generated, or collected, by government bodies. The media must not be circumscribed by overly restrictive secrecy provisions intended to save officials from embarrassment.

The Council submits that action to address the inappropriate denial of access to information is long overdue. Legislative change to address the ridiculously high number of secrecy provisions in Australian law is required and the Council congratulates the Commission on its intention to recommend the removal of a majority of these provisions.

Further, the Council seeks the inclusion, in any recommendation, of rules relating to the declaration of any matter as secret. Those rules would need to define strictly the parameters of what should be secret in order to stop over-declaration of matters, and should make it easy to change the status of information from secret to open. Rules permitting information to be secret must include a provision making it an offence to withhold information from the public for an improper purpose.

The Council is particularly concerned with the impact that the proposed subsequent disclosure offence on media professionals. The importance of a public interest defence in such matters is paramount. Whether or not comprehensive public interest disclosure legislation is eventually approved by the Parliament, the Council submits that a public interest defence needs to be an integral part of the proposed subsequent disclosure offence.

The Council is also of the view that it is not appropriate to have offences of strict liability in legislation dealing with unauthorised disclosure. In all instances, the minimum requirement for a conviction should be that the offender knew that the information was confidential, or knew that he or she had a duty not to disclose the information, coupled with a reasonable foreseeability that the disclosure would be likely to cause damage to the public interest.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/secrecy09.html

Anti-Terrorism Laws

On August 28, in a submission to the Senate Standing Committee on Legal and Constitutional Affairs on its inquiry into the *Anti-Terrorism Laws Reform Bill 2009*, the Council argued:

Consistent with its long held position that sedition laws are an impediment to freedom of expression and have the potential to have a 'chilling effect', the Australian Press Council supports the removal of sedition offences in s80.2 of the Criminal Code Act in their entirety.

In view of the lack of precision in the definition of a "thing" in s101.4 of the Criminal Code Act, the Council is concerned that journalists could be exposed to being charged with a serious offence should they inadvertently come into possession of material in the course of undertaking their role. The current provision is unsafe and the Council supports the proposal in the Bill that the section be repealed.

Where it is practical to do so, the Council supports the proposed amendments to Division 102 of the Criminal Code Act that would bring the processes for proscribing a terrorist organisation in line with the requirements of administrative law. By ensuring publicity, public consultation, consideration of submissions by an independent advisory committee, notice and a right of appeal the proposed amendments increase transparency, public and media scrutiny and enhance the public right to know.

The Council supports proposed amendments to s102.7 of the Criminal Code Act to ensure that providing support to a terrorist organisation cannot be construed to apply merely to the publication of views favourable to a proscribed organisation.

Consistent with its earlier submissions, the Council express its concerns that Division 3 Part III of the ASIO Act poses a threat to freedom of speech and has the potential to obstruct the ability of the media to ensure that government agencies are held to public account and that the questioning and detention practices of ASIO do not go beyond what is necessary to facilitate the investigation and prevention of terrorism.

Consistent with its earlier submissions, the Council holds the view that the National Security Information (Criminal and Civil Proceedings) Act is a threat to freedom of the press and it potentially oppressive. The Council supports repeal of this legislation as proposed in the Bill.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/antiter09.html

Free speech issues
Gov't restrictions

Consistent with its long held position that sedition laws are an impediment to freedom of expression and have the potential to have a 'chilling effect', the Australian Press Council supports the removal of sedition offences in s80.2 of the Criminal Code Act in their entirety.

Free speech issues
Gov't restrictions
FoI

It is the Council's general view that security legislation needs to be carefully thought through and drafted to ensure that the powers given to the police, security services and others by such legislation are limited to those required to deal with the threat of terrorism. Such powers should not act as an undue impediment to the freedoms traditionally enjoyed by Australians, including freedom of expression, freedom of association and freedom from arrest and detention without due cause.

National Security legislation

On September 30, the Council made a submission to the Attorney-General's Department on its Discussion Paper, *National Security Legislation*. Its introduction read:

The Australian Press Council recognises the circumstances that led the Commonwealth to introduce legislation to enable authorities properly to deal with threats of terrorism within Australia. In the circumstances that existed in the wake of the September 2001 and October 2002 terrorists incidents, the government of the day was required to draft legislation that addressed the perceived threat to Australia. Given the effluxion of time, with the better understanding of the situation that comes with greater knowledge, the Council agrees that it is time for a thorough rethink on the security legislation as it has been developed since 2001.

The Council's Charter for a Free Press has as one of its principles, "Laws, regulations and practices which in any way restrict or inhibit the right of the press freely to gather and distribute news, views and information are unacceptable unless it can be shown that the public interest is better served by such laws, regulations or practices than the public interest in the people's right to know". The Council argues that any laws granting powers to authorities that may impinge on the traditional freedoms of Australians must be drafted to ensure that the granted powers are sufficient to meet the envisaged threat, without going too far in inhibiting rights. The Council's primary concern with the existing security legislation is that, on occasion, it appears to go further than is required and should be reconsidered. This is particularly the case with the sedition provisions in the Criminal Code Act.

Given the issues raised in this submission, and in previous Council submissions, the effect that the existing legislation might have on the ability of the press to report on matters of public concern, the Council calls on the government to ensure that security legislation is reviewed more frequently than has so far been the case, and that any provisions with a tendency to restrict the ability of the press freely to report matters of public concern should carry sunset clauses.

It is the Council's general view that security legislation needs to be carefully thought through and drafted to ensure that the powers given to the police, security services and others by such legislation are limited to those required to deal with the threat of terrorism. Such powers should not act as an undue impediment to the freedoms traditionally enjoyed by Australians, including freedom of expression, freedom of association and freedom from arrest and detention without due cause.

The Council also notes that Senator Ludlam's Anti-Terrorism Laws Reform Bill 2009, currently before the Senate addresses directly many of the concerns the Council has with the over-reach of some aspects of current federal security legislation. In areas such as the repeal of sedition offences, amending the provisions applying to proscription of a terrorist organisation and ensuring that providing support for a terrorist organisation should amount to "material support", and not just an analysis of it, before it becomes an offence, the Anti-Terrorism Laws Reform Bill 2009 does wind back some of the matters that the Council thinks need to be dealt with.

In this submission, the Council addresses some of the specific matters raised in the discussion paper and in the draft National Security Legislation Amendment Bill 2009 and raises a couple of issues not addressed in the Discussion Paper relating to existing security legislation.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/nat_sec_09.html

Freedom of Information

During the years, there has been movement on FoI reform in several states and at the federal level.

Tasmania

On September 30 the Council in a submission to the Tasmanian Department of Justice on the review of the *Freedom of Information Act* 1991, congratulated the Tasmanian government for undertaking this review of its legislation relating to disclosure of government information and for the approach adopted in the draft *Right to Information Bill* 2009. It noted that the Bill has a number of positive aspects that enhance the public right to information on matters of public interest and concern.

The submission, which can be found at http://www.presscouncil.org.au/pcsite/fop/fop_subs/foitas.html outlined the positive aspects of the reforms and made some detailed proposals on ways in which the already good Bill could be improved.

ACT

On November 26, the Council made a detailed submission to the ACT Legislative Assembly Standing Committee on Justice and Community Safety Inquiry into the *Freedom of Information Act* 1989. The Executive Summary made clear the Council's view that the purpose of the *Freedom of Information Act* should be to promote democratic, open, transparent and accountable government. The Act should also give effect to the rights that ACT citizens have under the *Human Rights Act* 2004 to seek, receive and impart information as part of the right to freedom of expression (s16) and as part of the right to participate in public affairs (s17). Consistent with these purposes, the *FOI Act* should be amended.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/act_foi.html

Federal FoI Fees and Charges

The Press Council made comment to the Department of Prime Minister and Cabinet on the draft *Freedom of Information (Fees and Charges) Amendment Regulations* 2009. The comment can be found at: http://www.presscouncil.org.au/pcsite/fop/fop_subs/foi_fees.html

Federal FoI

In January the Council made a submission to the Senate Standing Committee on Finance and Public Administration on its Inquiry into the *Freedom of Information Amendment (Reform) Bill* 2009 and *Information Commissioner Bill* 2009. The introduction to the submission read:

Given its interest in encouraging the use of freedom of information by journalists to ensure that matters of public concern are brought to the public's attention through the press, the Australian Press Council welcomes the proposals to reform federal Freedom of Information legislation to make it more workable and also welcomes the opportunity to make suggestions as to how the FoI scheme can make government more open and accountable to its citizens.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/foi_senate.html

Constitutional Law

Unlike in the United States, the United Kingdom, the European Union, and in many other democratic countries, there is no national Bill of Rights in Australia nor any constitutional guarantee of freedoms in the federal or state constitutions or in any over-riding law. The Australian Capital Territory enacted the nation's first Bill of Rights in the form of the *Human Rights Act* 2004. In 2006, Victoria passed into law the *Charter of Human Rights and Responsibilities Bill*. There has still been no equivalent action by other states or territories, nor by the federal government. During the reporting year, the federal government considered the report of its National Human Rights Consultation, which had recommended the enactment of legislation to protect human rights nationally. The government declined to introduce legislation in line with the Consultation's proposals.

Defamation

The Council kept an eye on developments in this area. This largely involved taking note of court decisions interpreting the harmonised defamation laws.

Privacy

Balancing information & privacy

In November, the Council wrote as follows to the NSW Attorney-General, John Hatzistergos, on issues arising from the NSW and Australian Law Reform Commissions reports on privacy.

As you are aware, getting the right balance between freedom of information and individual privacy is already, and likely to continue to be, an on-going problem. In its role as an advocate for the public in respect to the print media, the Australian Press Council is inevitably involved in advocacy relating to both and offers its assistance in searching for the right balance.

Free speech issues
Fol
Constitutional Law
Defamation

Given its interest in encouraging the use of freedom of information by journalists to ensure that matters of public concern are brought to the public's attention through the press, the Australian Press Council welcomes the proposals to reform federal Freedom of Information legislation to make it more workable and also welcomes the opportunity to make suggestions as to how the FoI scheme can make government more open and accountable to its citizens.

Free speech issues
Privacy

It is difficult to see how the proposed Bill would provide greater certainty because it is itself fatally flawed by imprecision. Its major defect is that it provides only a skeleton and leaves the task of providing the flesh to the courts. As the ALRC noted, if there is to be further protection for personal privacy, either by way of tort or by way of a cause of action, it is important that it be through carefully drafted legislation rather than judicially developed.

Two cherished national values, the right of individuals not to have their personal privacy invaded and the public's right to know, expressed through the freedom of the press, have frequently been in contention. That tension can only increase unless there is careful consideration of both in contemplating possible additions to privacy law.

The Council has been aware of the momentum for changes in privacy law. It contributed significantly to the consultation into privacy law and practice in Australia and overseas undertaken by the ALRC and is largely in accord with its conclusions. While the Council notes that the Commonwealth Government has so far only endorsed some of its recommendations its attitude to the further development of privacy law will not be known until the second tranche of decisions is made known at a (unspecified) later date.

A most important consideration, especially from the point of view of balancing the public's right to know and the right of citizens to personal privacy, is that any development in this area of law should be uniform and national. Any major variance will surely lead to chaotic forum-shopping.

Unfortunately the NSWLRC *Report 120 – Invasion of Privacy* is a cause for alarm. Its proposals, and the draft Bill included in its report, to introduce a statutory cause of action of invasion of privacy are imprecise and insufficiently considered.

The Council's concerns do not derive simply from its view that a statutory cause of action for breach of privacy is unnecessary. In the absence of a guarantee of freedom of expression, the Bill as drafted is in fact a threat to democracy including the freedom of the press to report on matters of public interest and concern.

As its rationale for legislation, the NSWLRC says that in the absence of legislative reform a common law tort of invasion of privacy may evolve piecemeal and in a fragmented way, suggesting that it would be difficult for individuals and organisations, such as the media, to assess the effect of law on their operations and to implement appropriate policies to minimise their liability if the common law is developing at different rates and with variations. In fact there have not been major changes in the last few years. In any case, that rationale falls far short of establishing a case for change.

It is difficult to see how the proposed Bill would provide greater certainty because it is itself fatally flawed by imprecision. Its major defect is that it provides only a skeleton and leaves the task of providing the flesh to the courts. As the ALRC noted, if there is to be further protection for personal privacy, either by way of tort or by way of a cause of action, it is important that it be through carefully drafted legislation rather than judicially developed.

The proposed Bill does not adequately respond to the complexities involved in regulating privacy that were identified by the ALRC papers; it does not provide sufficient policy guidance to individuals, organisations or the courts on what constitutes an actionable breach of privacy, and it does not provide a mechanism to adequately balance the public interest in the free flow of information on matters of public concern.

Bear in mind that information privacy is already well protected in legislation and that the recent federal government announcement signals agreement with recommendations for strengthening protection of information privacy so as to respond to the impacts of technology and the need for greater information security.

Similarly, remedies for invasion of personal privacy already exist through the laws of trespass, harassment and similar legislation. Within the common law there already exist various causes of action and remedies in tort and in equity to protect other aspects of privacy.

The NSWLRC approach does not even explore alternative approaches to resolution of privacy concerns. These might include self regulatory approaches for organisations that have appropriate (approved) privacy standards, policies and dispute resolution procedures. As is now the case with nationally harmonised defamation law, there should be greater use of offer-of-amends procedures or formal Alternate Dispute Resolution (ADR) to reduce costs, to provide timely remedies, to provide greater flexibility in relation to remedies and to reduce burden on the Court system. The Australian Press Council's considerable experience and well-established reputation derived from mediating and arbitrating complaints about the press could be put to good effect, for instance.

Turning to other substantive issues, the ALRC papers identified that "privacy" is an umbrella term that applies to a number of separate but related concepts, that it has social, political, economic and normative dimensions. In short it eludes precise definition. The ALRC therefore proposed that legislation should include a non-exhaustive list of types of conduct that the legislation is seeking to regulate. Despite this, the NSWLRC Bill relies on an ordinary language concept! It neither defines privacy nor provides a list of the types of acts and conducts that are invasions of privacy. Imprecision of this kind is part of the Bill's fatal flaw.

From the point of view of the media, which will want to establish policies in conformity with any legislation, and act in ways that minimise liability, the legislation must define, by use of an exhaustive

list, the acts or conduct that constitute invasion of privacy rather than leave to the views of individual judges responsibility for defining the term and therefore the scope of any law.

Most importantly, governments in making law must provide guidance as to how competing interests are to be balanced, particularly when some of the interests to be balanced, such as freedom of speech and of the press, are fundamental to the existence of democracy and are not themselves otherwise guaranteed in Australian law.

Recent discussions about the undesirability of “unelected” judges making their own versions of the law apply to both of the previous points.

To determine when a statutory cause of action would apply, the ALRC report supported a two part test to determine first if there is an invasion of privacy and, secondly, to determine if the invasion causes sufficiently serious offence to justify intervention. The NSWLRC proposed Bill does not establish an essential threshold of seriousness.

The Bill not only fails to provide a clear framework for dealing with the public interest but deliberately diminishes the weight of the public interest in freedom of expression by including the balancing of the public interest (including the interest of the public in being informed about matters of public concern) as simply a “circumstance” to which the court is to have regard in determining whether or not there is a reasonable expectation of privacy. The drafting totally devalues the importance of the need to balance the competing rights of privacy and freedom of communication (both of which are guaranteed in the *International Covenant on Civil and Political Rights* to which Australia is a signatory).

One of the primary roles of any legislation should be to define normative standards of behaviour, so any legislation should require that litigation should first have to establish that there has been an invasion of privacy (properly defined) and then to allow for defences, including a public interest defence. The proposed NSWLRC Bill does not do this. Any legislation should certainly include the clear defences proposed by the ALRC report “that the information disclosed was a matter of public interest” or was “fair comment on a matter of public interest”. Alternatively, it could include a media exemption.

The Council urges you, and Attorneys in all jurisdictions, not to pursue regulation based on the NSWLRC proposals and to reconsider whether there is a strong enough case for a statutory cause of action for invasion of privacy.

Should you and governments across Australia decide to proceed with national legislation to establish a cause of action for invasion of privacy, the Council urges you to develop legislation that

- addresses only precisely defined and serious invasion of privacy;
- is clear in its scope and intent and in defining what are acceptable standards of behaviour;
- gives adequate weighting to countervailing public interests, particularly the public interest in the free flow of information;
- includes provision for alternate dispute resolution and self-regulatory alternatives.

The Australian Press Council would be delighted to arrange to meet with you and/or work with your staff to explore a better way forward on privacy matters.

At the end of the reporting period, the Victorian Law Reform Commission tabled a report into *Surveillance in Public Places*, which in its final chapters addressed the issues raised by the NSW and Australian Law Reform Commissions in recommending the creation of a cause of action for invasion of privacy. The Council will address the Victorian report, and what it adds to the debate, in 2010-2011.

Access to Personal Information

In a submission on August 31 to the NSW Law Reform Commission, which was conducting an inquiry, Privacy and Access to Personal Information, the Press Council noted that, subsequent to the Attorney-General’s reference of the matter to the Law Reform Commission of June 1, the *Government Information (Public Access) Act 2009*, and associated legislation, has been passed and assented to. An interim Information Commissioner had been appointed and the interim Commissioner was then working towards defining how the new rules applicable to public access to government information should work.

It was the view of the Press Council that the Law Reform Commission should let the newly appointed Information Commissioner work through the issues related to the balance between the interest in protecting private information and the public interest in the release of government information, where that information deals with matters of public interest and concern.

Free speech issues
Privacy

The Bill not only fails to provide a clear framework for dealing with the public interest but deliberately diminishes the weight of the public interest in freedom of expression by including the balancing of the public interest (including the interest of the public in being informed about matters of public concern) as simply a

Free speech issues
Sources
Whistleblowing

The Council generally welcomed the reforms in the *Government Information (Public Access) Act 2009* and looked forward to a greater availability of government information.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/priv_access09.html

Protection of confidential sources

The Council has been lobbying the state, territory and federal Attorneys-General to ensure that there is a more workable protection for journalists who want to protect their confidential sources.

In December 2008, the Press Council wrote to all Attorneys-General, and their Shadows, about the protection of journalists' confidential sources, a matter still before the Standing Committee of Attorneys-General. The Council continues to hold the view that the law should protect journalists who report well-founded but confidentially sourced information that authorities, or others, seek to keep from the public.

The Council remains concerned that the extant proposal for such a law is the current NSW *Evidence Act*, which it believes to be an ineffectual protection. The fact that groups as diverse as the NRMA and the NSW Law Society thought that the Act would provide insufficient protection for the identity of confidential sources is a clear indication that the NSW provision is insufficiently robust.

The Council continues to press federal, state and territory Attorneys-General strongly advocating that an approach based on the 2006 New Zealand *Evidence Act* is more likely to achieve the desired result of protecting confidential sources in all but the most serious cases.

At the end of the reporting year the federal Coalition indicated that it would go to the Federal Election with a policy that favoured the introduction of a model based on the New Zealand and UK shield laws. There was also an indication that some state Attorneys-General were considering that model as well.

The Council continues to press federal, state and territory Attorneys-General strongly advocating that an approach based on the 2006 New Zealand Evidence Act is more likely to achieve the desired result of protecting confidential sources in all but the most serious cases.

Public-interest Whistleblowing

Public Interest Disclosures

The Council's Chair wrote to the federal government to congratulate it on its response to the recommendations in the House of Representatives' Whistleblower Protection report. Prof Disney said:

I am heartened to see the government's commitment to introducing Public Interest Disclosure legislation at a Federal level and to read thoughtful responses to many recommendations. Public interest disclosure legislation will assist in developing an open, transparent and accountable public sector and reduce the likelihood of maladministration or fraud.

The Press Council is particularly pleased to see the government's response on disclosures to third parties, including the media. The government has broadened the scope of the subject matter for which serious disclosures remain protected if they are reported to third parties where internal and external disclosure is not acted upon within a reasonable time and also proposes to allow disclosure directly where there is substantial threat and imminent danger to life or health and safety. This is a welcome improvement on the narrower protection proposed in the report.

However, Council has concern that the government's response proposes that the following requirements for protection apply where disclosures are made to third parties following internal or external disclosure:

- (a)
- (iv) no more information than is necessary to make the disclosure is publicly disclosed;
- and
- (v) the public interest in disclosure outweighs countervailing public interest factors (eg protection of international relations, national security, cabinet deliberations etc).

If included in legislation, these requirements will place an unrealistic and unreasonable burden on the discloser to be able to make assessment as to how much information can be disclosed and to undertake a complex balancing test including taking account of public interests matters about which they may not even be aware. These provisions may either deter disclosures or leave disclosers vulnerable.

To address this concern, the Press Council recommends instead:

- that subsection (a) (iv) require that the discloser have a reasonable belief that they have not disclosed more information than is necessary;
- that subsection (a) (v) require that the discloser have a reasonable belief that the disclosure is in the public interest.

The Council also believes that in order to strengthen the position of the discloser that two additional provisions are required:

- a mechanism for compensation of whistleblowers who may experience career disadvantage or victimisation in the workplace following disclosure; and
- the introduction of an offence for taking detrimental action against a person who has made a disclosure.

As you would be aware, the Council has always advocated that the introduction of effective public interest disclosure legislation, that includes provisions for disclosure to the media, also requires the introduction of effective shield laws to allow journalists to protect their sources. The Councils urges the government to press for the passage of the Evidence Amendment (Journalists' Privilege) Bill at the same time as the proposed Public Interest Disclosure Bill.

With attention to the matters raised above, the Council believes that the government is proposing best practice public interest disclosure legislation. I urge the government, through COAG, to encourage all States and Territories to adopt comparable legislation.

Judicial Suppression

Register of suppression orders

In response to a proposal from the federal Attorney-General's Department for a national register of suppression and non-publication orders, the Council made a submission on September 24, which commenced:

The Council thanks the Attorney-General for his invitation to comment on the discussion paper that sets out the proposal for a national register of suppression orders.

As you would appreciate, the whole subject of suppression and non-publication orders is of vital interest to the Australian Press Council and its members. The Council has a strong commitment to the principles of open justice, which includes support for the principle of the public right to know and the consequential right of the media to publish information related to court proceedings and the administration of justice.

Breach of an order is a serious matter. It can have adverse impact on the rights of an accused person to a fair trial; adverse impact on the cost and efficiency of court processes if a proceeding is aborted or if contempt proceeding are pursued. A person, such as a journalist, who inadvertently releases information contrary to an order may be subject to criminal prosecution. This concern is exacerbated when journalists, particularly those writing outside the jurisdiction in which the order has been made is unaware of the existence of the order and works for an outlet that may publish or broadcast in the relevant jurisdiction. It is therefore in the interests of all to ensure that any national electronic register works effectively.

The Council congratulates the Attorney and the Standing Committee of Attorneys-General for the decision in November 2008 to progress the development of a legal and administrative framework for a national electronic register of suppression and non-publication orders. It is pleased to see that this commitment has been followed up with a discussion paper prepared by a SCAG working group, in consultation with the Federal Court, that proposes a national register.

The Australian Press Council welcomes a proposal for a single national register, and is pleased to see at point 3 of the discussion paper that the suppression orders project has two aspects being:

- development of a framework of, and detailed proposals for, the register and
- development of model laws about the making of suppression orders, to improve harmonisation across jurisdictions.

However, the Council has concerns about the details of the proposed scheme for a national register. These are set out below. The Council is also disappointed that the discussion paper does not address the second aspect of the suppression orders project, as the two aspects must be inextricably linked if there is to be an effective national approach to the use, issue, notification and registering of suppression and non-publication orders.

The full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/suppress09.html

Free speech issues
Whistleblowing
Suppression

If included in legislation, these requirements will place an unrealistic and unreasonable burden on the discloser to be able to make assessment as to how much information can be disclosed and to undertake a complex balancing test including taking account of public interests matters about which they may not even be aware. These provisions may either deter disclosures or leave disclosers vulnerable.

Free speech issues
 Suppression
 Access to courts

Courts should generally be open. Material used in court proceedings should be available to the media for dissemination to the public. Given that the Bill seeks to consolidate in one piece of legislation how information from the courts should be accessed, the Council is concerned that the regime envisaged should ensure that material of public interest is made more available to the media for dissemination to the public, and certainly be no more restrictive than the current regime.

Court Suppression

In February, the Council wrote to the federal Attorney-General's Department with comment on the draft model provisions of the proposed *Court Suppression and Non-publication Orders Bill 2009*. The submission's introduction read:

The Council has a strong commitment to the principles of open justice and the consequential right of the media to publish information related to court proceedings and the administration of justice. Accordingly, the Council believes that suppression orders should be:

- used only where it is essential to do so in order to protect some specified type of public interest which, in the circumstances, clearly outweighs the public interest in open justice;
- accompanied by explicit reasons for arriving at that determination;
- specific about the details which are subject to the order;
- of a specified duration which is no greater than is essential under the circumstances; and
- disseminated promptly and widely to publishers and journalists.

The Council welcomes the general thrust of the proposals in the draft Bill.

In full submission can be found at:

http://www.presscouncil.org.au/pcsite/fop/fop_subs/suppress10.html

Access to courts and court documents

Court Information

In an October 21 submission to the NSW Attorney-General on the draft *Court Information Bill 2009*, the Press Council welcomed the Attorney's moves to codify access to information from the courts. The Council said that the Bill was a step in the right direction, but it needs some significant amendment.

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The Council had previously welcomed the *Report on Access to Court Information*, particularly the goal of creating a public (and media) right of access to court documents in both civil and criminal proceedings. In particular it welcomed the proposals for open access to transcripts of evidence in open court proceedings, statements and affidavits admitted into evidence, and police fact sheets. It noted that there would also be a category of restricted access including matters that had been struck out, medical and psychiatric reports, and information the subject of a non-publication or suppression order.

The full submission, which detailed a number of proposed amendments to the draft Bill, can be found at: http://www.presscouncil.org.au/pcsite/fop/fop_subs/court_info_09.html

Court Information Bill 2010

In May, the Council made comments on the NSW *Court Information Bill* introduced into the NSW Parliament. It was aimed at making information adduced in court more available to the media for reporting to the public, particularly related to material that was in document form rather than a part of the oral presentations. Of particular concern for the Press Council were changes related to "personal information" published by media. The Bill made it an offence for the media to publish personal information contained in documents obtained using the provisions that give the media access to restricted access documents. The decision as to what to publish is deliberate and under the control of the media. Given that the media are being given access to documents that are not available to others, the restriction on publishing did not appear to be unreasonable. The categories of "personal information" included in the Bill were almost identical to the 2009 consultation draft that also included a provision that allowed the new categories to be added by regulation.

One concern was that the legislation proposed that a "good faith" defence applied to court officers who may have released information that contains "personal information". However, there was no "good faith" defence applying to media that might inadvertently disclose restricted personal information

under the impression that, because a court officer had provided it, it was material in the public domain. It was not unreasonable to provide protection to court officers who may release personal information inadvertently, said the Council, but the same should apply to the media.

On the question of access to documents, the Council felt that the Bill's provisions were an improvement on the current situation in that it would now give access to more documents. However the fact that access will not apply until the matter first appears in court appeared to be an unnecessary delay. This contrasted with the more liberal approach in Victoria where documents are available prior to the matter appearing in court. The Federal Court's approach to access is similar to that in Victoria. There would not appear to be any reason why the more liberal approach of Victoria and the Federal Court cannot be adopted in NSW when it appears to operate effectively and without prejudice to justice in two other jurisdictions.

The Council expressed some minor reservations, particularly on additional restrictions on access that had not been explored in the consultation draft. For example, the Bill made information contained in a person's criminal record unavailable, except if the information is contained or summarised in a judgement or in orders made in proceedings. This is more restrictive than the current situation where journalists are able to obtain this information from the prosecution. Now journalists will only find out about a criminal record if the judge refers to it. Another section restricted access to police facts sheets and other documents that summarise the prosecutions case until after the conclusion of proceedings in criminal matters. The Bill added a new section that provided that where a person is convicted that the proceedings do not conclude until after sentencing. The practical effect will be that the media will not be able to get access until after sentencing whereas they now have access after conviction. As the law recognises that judges are not influenced, there is no need to restrict access until after sentencing.

The Council concluded that, overall, the Bill is an improvement on the current situation and is welcome. But it drew attention to the reservations noted above.

Court Information consultation

With the passage of the Bill, the NSW Attorney-General invited the Council to nominate a member of an advisory group to consider transitional arrangements, one of two media representatives on the advisory group. The Council nominated independent journalist member Prue Innes. Given her experience as a journalist and as a court information officer, Ms Innes will be able to make informed contributions to the way in which the new legislation is applied, to the benefit of the media, and of the public's right to information on matters of public interest.

Contempt by Publication

There were no matters this year.

Suicide reporting

On November 20, made a brief submission to the Senate Community Affairs References Committee on its Inquiry into Suicide in Australia to draw its attention to the generally responsible way in which the Australian press has reported suicide and the necessity of ensuring that the press is not unduly restricted in its ability to report on matters of public interest and concern.

The full submission, which included reference to the Council's existing Guideline on reporting of suicide, can be found at: http://www.presscouncil.org.au/pcsite/fop/fop_subs/suicide_09.html

Free speech issues
Access to courts
Contempt
Suicide reporting

On the question of access to documents, the Council felt that the Bill's provisions were an improvement on the current situation in that it would now give access to more documents. However the fact that access will not apply until the matter first appears in court appeared to be an unnecessary delay. This contrasted with the more liberal approach in Victoria where documents are available prior to the matter appearing in court.

Charter of a free press in Australia

Preamble

Freedom of opinion and expression is an inalienable right of a free people.

Australia is committed to The Universal Declaration of Human Rights. Article 19 of the Declaration provides:

Everyone has the right of freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In a truly democratic society open debate, discussion, criticism and dissent are central to the process of generating informed and considered choices. These processes are crucial to the formation of values and priorities and help in assessing and finding solutions to social, economic and political problems.

A free press means a free people and the people of Australia have a right to freedom of information and access to differing views and opinions and declare that the following principles are basic to an unfettered flow of news and information both within Australia and across the nation's borders.

The Principles

1. Freedom of the press means the right of the people to be informed by the press on matters of public interest so that they may exercise their rights and duties as citizens.
2. The press shall not be subject to government licence and government authorities should not interfere with the content of news nor restrict access to any news source.
3. The press has a responsibility to the public to commit itself to self-regulation which provides a mechanism for dealing with the concerns of members of the public and the maintenance of the ethical standards and journalistic professionalism of the press.
4. It is in the public interest for the press to make available to the people a wide diversity of views and opinions.
5. It is the responsibility of the press to protect the people's right to know and to contest encroachments upon that right by governments, groups or individuals.
6. Laws, regulations and practices which in any way restrict or inhibit the right of the press freely to gather and distribute news, views and information are unacceptable unless it can be shown that the public interest is better served by such laws, regulations or practices than the public interest in the people's right to know.

Laws, regulations and practices which in any way restrict or inhibit the right of the press freely to gather and distribute news, views and information are unacceptable ...

Adjudications

Adjudications
Intro
1430

There were 31 adjudications issued by the Council in the year ended 30 June 2010. There continues to be use of the Council's conciliation techniques to settle matters and a willingness in publications to find amicable settlements of complaints. On page 34 is a table showing a year-by-year comparison of complaints received, matters mediated or withdrawn (i.e. complaints settled amicably) and complaints adjudicated. The table indicates that there has been a trend away from referring matters for adjudication. Fewer than 11 per cent of complainants sought an adjudication. Below is a reprinting of all the adjudications issued during the year.

Following a reprinting of all adjudications issued during the reporting year, this report carries a summary of the publication details of all adjudications, as well as an index of adjudications, sorted by the ethical issues involved.

Not "illegal"

Adjudication No. 1430 (July 2009)

The Australian Press Council has upheld a complaint brought by an advocacy group, A Just Australia, against The Australian about some of the language used in four articles and an editorial on boat arrivals published in April 2009.

The crux of the matter is that the complainant objected to the use of "illegal" or "illegals" in the reference to unauthorised arrivals and referred to the Australian Press Council Guideline No. 262:

The Australian Press Council has received complaints about the terminology that is applied, and ought to be applied, to those arriving in Australia who do not have normal immigrant credentials. Technically in Commonwealth immigration legislation they are referred to as "unlawful non-citizens". However, they are often referred to as "illegal immigrants", or even "illegals".

The problem with the use of terms such as "illegal refugee" and "illegal asylum seeker" is that they are often inaccurate and may be derogatory. The Council cautions the press to be careful in the use of such unqualified terms in reports and headlines.

The complainant also referred to a 2004 Adjudication of the Council that upheld a complaint regarding the use of the term "illegal immigrants" (Adjudication No 1242).

While the complainant insisted that "unlawful" is very different to "illegal", its representative agreed with the newspaper that for many people this amounted to "splitting hairs". She went on to suggest that neither word should "be used at all when referring to asylum seekers".

The complainant, while acknowledging that there should be some allowance for interpretation when the term "illegal" is used to refer to the method of arrival, pointed out that in at least one article the asylum seekers were referred to as "illegal immigrants". The Council notes that the newspaper, apart from using the term "illegal immigrants" once in the article of April 7, had also used other unchallenged expressions such as "unauthorised passengers" and "unauthorised arrivals". In an article of April 9 and one on April 21 the expression "illegal arrivals" was used in addition to "unauthorised arrivals". In a second article on April 21, the newspaper referred to "refugees who arrived illegally".

In an editorial of April 29, the newspaper argued trenchantly that its coverage had been fair, despite its continued use of terms to which A Just Australia objected.

The complainant calls on the Council to issue stronger guidelines on the reporting of boat arrivals. The Council notes that its current Guideline is generally observed by the print media. However, it also notes that, while Ministers and government officials continue to use the disputed terms, it is difficult for the press to report the immigration debate using consistent terms.

The Council is of the view that the newspaper had not sought to report incidents of "unauthorised arrivals" in an inflammatory way as alleged by the complainant. The newspaper's coverage of the boat arrivals in the cited articles was fair and balanced, but the use of the modifier "illegal" in the articles and the term "illegals" in a headline are, in this case, factually inaccurate.

While the complainant insisted that "unlawful" is very different to "illegal", its representative agreed with the newspaper that for many people this amounted to "splitting hairs". She went on to suggest that neither word should "be used at all when referring to asylum seekers".

Adjudications
1431
1432

The Council accepts that the newspaper used the abbreviation as a word play on the title Battenberg, without a sexual

Inaccuracy corrected

Adjudication No. 1431 (July 2009)

The Australian Press Council has dismissed a complaint by Alistair Kerr against an article published in The Sydney Morning Herald's gossip column PS and on its website, smh.com.au, on February 21, 2009.

The article made several assertions about the financial affairs of Mr Kerr and his partner, who now calls himself Lord Leitrim. Lord Leitrim has previously claimed to be Lord Andrew Battenberg, and is an undischarged bankrupt in Australia. He was originally known as Andrew Lee. The couple now live in a small Lincolnshire village.

The article alleged Mr Kerr, a British civil servant, and his partner had left behind a trail of debts when they quit Scotland. Mr Kerr said he had left Scotland debt free and requested that the SMH delete from its website the inference that both men had left unsettled debts. The newspaper complied, making it clear the problems in Scotland were those of Lord Leitrim under a previous name.

Mr Kerr complained that references in the article to Lord Leitrim, aka Lord Battenberg, as "Battie", represented homophobic vilification of his partner. He asserted "anyone familiar with Gangsta Rap (ie. anyone under 50, and many over that age) will know that 'Battie' is a pidgin term of abuse for a gay man who plays the passive sexual role". The Council accepts that the newspaper used the abbreviation as a word play on the title Battenberg, without a sexual connotation.

His complaint that the publication compromised his safety and security as a civil servant by displaying a photo of his home is also rejected. The street name in the photo was partly obscured and unreadable.

An article in the Daily Mail, London, a week earlier, covering many of the same issues had been published to a vastly wider local audience than the SMH commands in the UK.

The Press Council rejects his claims that the article invaded his privacy and was tantamount to stalking.

A matter of clear local interest

Adjudication No. 1432 (July 2009)

The Australian Press Council has dismissed a complaint by Witan Holdings Pty Ltd, which runs the Gingin Meatworks in Western Australia, over a series of articles, photographs and a letter to the editor in the Sun City News about the Gingin Shire Council and the operations of the meatworks. The articles and the letter were published between January 27 and May 19 this year.

The company said the series of articles contained inaccurate and damaging allegations and implied that Witan had repeatedly breached conditions of its licence and the local Gingin Shire had taken no action and that the articles were not fair and balanced.

The newspaper said it had offered to publish the company's position on the issue but it had been declined and a meeting between the newspaper and the company broke down. The editor said he had tried several times to get comment from the company and the offer to interview the manager was still open. The company said that, apart from the one meeting, it had no knowledge of any other approaches.

The company's lawyers wrote to the paper on May 13 outlining the series of complaints about the articles and the possible legal consequences. The letter also gave notice that it was raising these matters as required before lodging a complaint with the Press Council.

The Press Council believes the series of articles by the Sun City News does not breach its principles. The campaign appeared to focus on what the paper believed was the shire council's lack of action over maintaining the conditions for the operation of the abattoir, confusion over guidelines for a buffer zone and the start of construction of a building on the site before Shire council approval had been given.

The Sun City News is a small, family-run fortnightly paper and it is clear the operation of the meatworks is the subject of controversy and public interest. Efforts to get balancing comments from the company appear to have fallen down after the one unsuccessful meeting and the parties differ on the reasons for the breakdown in contact.

Efforts to get balancing comments from the company appear to have fallen down after the one unsuccessful meeting and the parties differ on the reasons for the breakdown in contact.

Adequate coverage provided

Adjudication No. 1433 (July 2009)

The Australian Press Council has dismissed a complaint made by Deborah Pergolotti, curator and founder of the Cairns Frog Hospital, against The Cairns Post, following the publication of a letter to the editor and an article in March and April 2009, respectively.

The March 20 letter, from Paul Whitehorn of Cairns Wildlife Safari Reserve, contained a remark, which Ms Pergolotti says implied that the Cairns Frog Hospital misled the public as to the availability of alternative organisations capable of caring for diseased and injured frogs. Mr Whitehorn's letter responds to an Environment Page notice authored by the newspaper and published on February 19 without the consent or knowledge of the Cairns Frog Hospital.

The letter goes on to list a number of alternative organisations capable of treating diseased and injured frogs. It is not the role of the Press Council to determine technical matters such as the suitability or expertise of the organisations proposed. The Council seeks only to determine whether The Cairns Post acted in a fair manner consistent with its principles. Ms Pergolotti submitted a letter in response but it was not published. She claims that an offer was made by the newspaper to print an upcoming article, in lieu of publishing her letter of reply, and to provide additional space at that time to respond to Mr Whitehorn's letter. The newspaper could not find the records of this exchange and, in any event, the article was not published.

On April 4, The Cairns Post published a further article, which, in addition to Ms Pergolotti's comments, quoted expert comment from Samantha Young despite Ms Pergolotti's recommendation for an alternative scientific contact. Ms Pergolotti complained that Ms Young did not agree with her findings and that this resulted in an appearance of incompetence. The Cairns Post said it was at liberty to seek a range of expert opinions in reporting on scientific matters and Ms Young's credentials as a veterinary surgeon completing a PhD in frog disease render her a legitimate source for comment in this field. The fact that Ms Young's comments were at variance with Ms Pergolotti's comments does not of itself breach any principle, rather, in this case, it had the effect of providing a balanced range of views.

Ms Pergolotti argues that, by publication of the Whitehorn letter and use of Ms Young's comments in the article, the newspaper has been unfair to her and the Frog Hospital and unbalanced in its coverage.

In reviewing the coverage, the Council believes that the newspaper has provided adequate balance to the complainant and the Frog Hospital, and therefore dismisses the complaint.

Names a matter of public record

Adjudication No. 1434 (July 2009)

The Press Council has dismissed a complaint against The Advertiser, Adelaide, that it inappropriately published on June 3 the names of victims of an assault without regard for their sensitivities, and exacerbating both the trauma of the attack and risks to their personal safety.

The assault occurred on school grounds, where three juveniles allegedly punched and knocked to the ground a teacher and a groundsman, inflicting cuts, bruises and bite marks. The complainant, who is the son of the teacher who suffered the assault, said that the publication of his father's name exacerbated the shock and trauma of the attack, and compromised his personal security by potentially facilitating the retaliatory attacks that the assailants had promised. He said that the newspaper showed a callous disregard for the victims' emotional and physical injuries.

The newspaper said that, given that the offenders had been arrested and charged, it did not believe it should censor the victims' names when they will be publicly available once the court case is heard. The newspaper also said that the reports were fair, accurate and balanced accounts of a matter in the public interest.

Given that the article arose from a matter of public interest and that the names are a matter of public record, the Council can see no breach of its principles.

Adjudications
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1434

In reviewing the coverage, the Council believes that the newspaper has provided adequate balance to the complainant and the Frog Hospital, and therefore dismisses the complaint.

Adjudications
1435
1436
1437

The Daily Telegraph stated that the use of ‘renovation rescue’ was the language of pop-culture vernacular and that the use of ‘trawling’ was descriptive, and was not meant to be offensive.

That’s what the research found

Adjudication No. 1435 (September 2009)

The Australian Press Council has dismissed a complaint by John Flanagan, an officer of the Non-Custodial Parents Party (Equal Parenting), about a July 8 article by Adele Horin in The Sydney Morning Herald.

The article headed *Divorced men better off but not happier* referred to a press release of an analysis by the Australian Institute of Family Studies into the long-lasting financial impacts of divorce for women.

Mr Flanagan complained that the journalist misinterpreted the analysis “in such a way to achieve an outcome that wrongly suits a feminist agenda.”

In its response the newspaper rejected this complaint and said the article was a fair, accurate and balanced report.

The newspaper also supplied an email from the lead researcher on the project attesting to the article’s fairness and balance.

In dismissing the complaint the Australian Press Council has reviewed the analysis in the press release and agrees with the lead researcher’s assessment of the article.

No offence intended

Adjudication No. 1436 (September 2009)

The Australian Press Council has dismissed a complaint from Rob Perkovic against The Sunday Telegraph, Sydney, relation to an article titled *Scientology’s \$12m renovation rescue for Sydney HQ* published on May 31, 2009.

The article reports on the upgrade of the Church of Scientology’s Sydney headquarters. It reports on the cost of the upgrade, conditions of the development application, the number of supporters and objectors to the application, the number of members within Australia and notes some high-profile media personalities who are members. Comment was provided on the upgrade by a member of the Church.

Mr Perkovic has complained that the headline and article are misleading and unbalanced. He objected to the use of the word ‘rescue’ in the headline and to ‘trawling’ used to describe the Church’s recruitment activities.

The Daily Telegraph stated that the use of ‘renovation rescue’ was the language of pop-culture vernacular and that the use of ‘trawling’ was descriptive, and was not meant to be offensive.

The Council finds that the article and headline are neither misleading nor unbalanced.

Intention not made clear

Adjudication No. 1437 (September 2009)

The Press Council has dismissed a complaint by Lulu Kenzig over the publication of what she said was a private letter, clearly not for publication, in the Sun City News on July 14, 2009.

The issue began with the publication of an earlier letter from Ms Kenzig complaining that inaction by the local council was endangering local wildlife. The editor, Terry Loftus, added a comment which Ms Kenzig certainly read as a criticism that she was not “prepared to go the extra mile” in seeking to have her valid concerns addressed. She then wrote a second letter, which detailed a number of her community activities over the years. It was the publication of this letter that prompted the complaint.

Ms Kenzig complained that the publication of the letter had put intimate, private matters about her life into the public domain and damaged years of hard work in the district.

Mr Loftus replied that nowhere was this letter marked “private” or “not for publication.” The last paragraph included the words “the purpose of this email is not to ask you to print all of this” and suggested that the following week’s letters page should note her 15 years of involvement in community activities. Mr Loftus also said that he had run the letter in full so as not to be accused of selective editing.

The Press Council has some sympathy with Ms Kenzig, who thought her letter was clearly not intended for publication, at least not in full. But it does not read that way. The incident illustrates the danger of not explicitly stating that something is not for publication when dealing with a newspaper (or any media).

A better way to have handled this would have been for the editor to discuss with Ms Kenzig an edited, less personal, version of the letter for publication.

Reports generally fair

Adjudication No. 1438 (September 2009)

The Australian Press Council has dismissed a complaint relating to an article in the Frankston/Hastings Independent (March 31, 2009) entitled *Caribou flies into storm of controversy*.

The complainants, David and Katrina Chalke, objected to a specific statement in the article and complained that it lacked balance and neglected facts.

The article related to the visit by two RAAF Caribou aircraft to Tyabb airfield on the Mornington Peninsula. The article stated that complaints to various authorities had been made following the visit, alleging that the weight of the aircraft exceeded the maximum limits allowed under the planning permit for the airfield. The article went on to state that no airstrip damage had been found after the visit but an investigation was being conducted by the Mornington Shire Council (the permit authority). The article observed that CASA was the recipient of regular complaints about movements at the airfield from members of the ratepayers association.

The Chalkes sought a correction from the Independent contradicting a statement attributed to the president of the Peninsula Aero Club (PAC) that a Fly Neighbourly Agreement had been in place for a year at the airfield. The complainants also asked the editor why the views of Tyabb residents or members of the ratepayers' group had not been sought for the piece. They described the article as "lazy and partisan" journalism.

The newspaper rejected the Chalkes' complaints. The Independent asserted that the article was fair, balanced and factual, and had outlined the concerns held by some residents.

The paper acknowledged, however, that a formal Fly Neighbourly Agreement signed by PAC did not exist at the airfield but added that pilots using the facility were asked to follow Fly Neighbourly advice.

The paper subsequently acknowledged that the editor had been remiss in not responding to the Chalkes' letter.

The Tyabb airfield is a significant regional facility, the scene of on-going economic and social activities. The PAC has an apparent high level of community involvement that generates hard news and human interest stories for the local paper. Noise, "extreme low flying" and safety issues are, however, of concern to some people, including members of the ratepayers' association, the Tyabb and District Ratepayers Business and Environment Group.

In cases of long-standing community disputes assertions of bias, conflict of interest, hidden agendas and other allegations can become commonplace and sometimes personal in nature. In such situations a newspaper can be perceived by some to favour one side of the debate. Local newspapers are very much part of the community they serve.

Newspapers are free to adopt a stance on particular issues but care should be taken to offer balance and to allow a reasonable reader to distinguish fact from opinion.

For its part the Independent could have been more responsive to the complainants' letter in the first instance and sought further elaboration of the quotation attributed to the president of the aero club to clarify for readers the status of the Fly Neighbourly program.

Arrested but not charged

Adjudication No. 1439 (September 2009)

The Australian Press Council has dismissed a complaint from Gatty Burnett over an article published in the Tasmanian daily, *The Advocate*, on August 13, 2009.

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In cases of long-standing community disputes assertions of bias, conflict of interest, hidden agendas and other allegations can become commonplace and sometimes personal in nature. In such situations a newspaper can be perceived by some to favour one side of the debate. Local newspapers are very much part of the community they serve.

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the Council takes the view that the newspaper cannot be criticised for the use of the word “arrested”, as that appears to be what happened to Blake. An arrest can be understood as the detention of an individual by the police.

In view of the fact that close relatives of the patients (a sister and a father) released the details, the Council dismisses the privacy aspect of the complaint.

The article reported that police internal investigations are looking into a complaint by Shannon Blake into his detention, and treatment once detained, by police in the early hours of August 9, 2009. The complainant is an acquaintance of Mr Blake and was with him when the police action occurred in a Devonport street.

In the article the newspaper claimed that Blake had been “arrested”. The complainant claims that Blake was never arrested. She claims that he was never told he was under arrest and that for the newspaper to claim that he was arrested was “slanderous propaganda”.

The complainant states that Blake was forcibly taken into police custody and that he was held for a number of hours. It is claimed, for example, that capsicum spray was used on him. The complainant asserts Blake was repeatedly assaulted while in custody. He was released without charge.

In dismissing the complaint, the Council takes the view that the newspaper cannot be criticised for the use of the word “arrested”, as that appears to be what happened to Blake. An arrest can be understood as the detention of an individual by the police.

The Council cannot comment on the complainant’s suggestion that Blake was never told he was being arrested. That may, or may not, be relevant in the police internal investigation. Whether the police acted properly in the act of detaining him, and while holding him in custody, are also matters for others to decide. Irrespective of that, the newspaper’s use of the term “arrested” in the article does not breach any of the Council’s principles.

Families were the source

Adjudication No. 1440 (October 2009)

The Australian Press Council has dismissed a complaint by Dr Antony Nocera against The Daily Liberal, Dubbo, and Weekend Liberal over several articles concerning events at the Dubbo Base Hospital published between July 31 and August 7, 2009.

The articles dealt with allegations of racism, discrimination, faulty diagnosis and failure of communication at the hospital in western NSW during two separate medical emergencies. The Greater Western Area Health Service issued apologies to the patients and their families in both instances after investigating the circumstances.

The first case involved an Aboriginal man with known drug and mental health problems who, on consecutive days, was rushed to the hospital by ambulance suffering severe pain and difficulty walking, and was twice examined by a doctor and sent home without treatment. According to the man’s sister the doctor said: “There is nothing wrong, you are only at the hospital to get drugs.” The patient presented to hospital again by ambulance on the third day, and this time was diagnosed with abscesses pressing on his spine and groin and rushed to Royal North Shore Hospital, Sydney, where he remained in intensive care for more than a week. An initial review by the Health Service found the Dubbo care “clinically appropriate”.

The man’s sister alleged he was “treated like a dog” because of his Aboriginality and known history of schizophrenia and drug abuse.

The second case involved a 14-year-old girl who tore off her thumb while tying up a horse at a gymkhana. When she presented at the hospital, a doctor said, according to a family member: “There’s not much we can do with this.” A call was put through to Royal North Shore hospital and a team of micro surgeons assembled but, due to transport delays, she was not operated on until twelve hours after the accident. As a result, the thumb was not successfully reattached.

Dr Nocera complained to the Council that the Dubbo Liberal’s articles were unfair, that they did not respect the privacy of individuals and that gratuitous emphasis was placed on the first man’s Aboriginality. He said the treatment the man received was appropriate based on his past medical history, his presenting complaint and clinical findings on examination. “There was no racial bias,” he said.

He also attacked the newspaper for naming the patients and, in the case of the Aboriginal man, their medical histories.

In view of the fact that close relatives of the patients (a sister and a father) released the details, the Council dismisses the privacy aspect of the complaint. It also dismisses Dr Nocera’s complaint that the comments attributed to the doctors were put in direct quotes without the doctors being interviewed and finds that the newspaper was entitled to report the allegation of racial discrimination.

Headline's implication unfair

Adjudication No. 1441 (October 2009)

The Press Council has dismissed the main thrust of a complaint brought by Rodney Adler against The Sunday Telegraph in relation to two articles which reported on the role played by him in a company called Almighty Fodder, but has upheld a complaint about one of the headlines used.

The first article was published on June 21, 2009 (*Adler faces ASIC query*) and the second article was published on July 5, 2009 (*Asset stripping claim over grain firm: Why Adler faces more jail time*).

The articles reported the lodging of a complaint with ASIC by shareholders in Almighty Fodder claiming that Adler "has orchestrated the stripping of assets from Almighty Fodder to a new company, Dynamic Fodder, without giving them due shares in the new company". The articles referred to the contents of various emails that emanated from Adler.

The articles referred to the 2005 jailing of Adler for "his role in the largest corporate collapse in Australia's history" and his 2007 release on parole till October 2009. The June 21 article pointed out that under the restrictions imposed on Adler, he was "prohibited from managing a corporation, or from participating in the making of decisions that affect a business' operations".

The complainant claims that the article defamed him and that they contained various "inflammatory and derogatory imputations" about him: that he has committed offences in relation to his involvement with Almighty Fodder; that he breached the conditions of his parole of such seriousness as to justify his return to prison; that he has defrauded shareholders of Almighty Fodder by causing its assets to be stripped and transferred to another entity controlled by him; that he 'dishonestly' held himself out as a consultant of Almighty Fodder; that he is likely to 'recidivate'. The complainant also claims that the headline of the July 5 article was "grossly disproportionate to the content of the article". Furthermore, he claims that the articles relied entirely on "imputation and innuendos" to make "a further and continuing character assassination on [his] already shattered integrity".

In the view of the Press Council, the newspaper carefully distinguished between the reporting of facts and allegations in the two impugned articles.

While the complainant may not appreciate being cast back in the spotlight, the newspaper was justified in its invocation of 'significant public interest' in the activities of the complainant, especially in relation to his current activities. The newspaper rejected the claim by the complainant that the newspaper's reporter had worked with the shareholders in making their complaint to ASIC. Furthermore, the newspaper pointed out that it had made a number of unsuccessful attempts to contact the complainant and finally, when contacted, he had declined to provide his comments.

Overall, the articles reasonably covered a matter of public interest. However, the Press Council finds that the heading in the 5 July article (*Why Adler faces more jail time*) is unfair to the complainant, implying something that article does not support. To that extent only, the complaint is upheld.

The paper knew the facts

Adjudication No. 1442 (October 2009)

The Australian Press Council has upheld a complaint from former footballer Greg Smith that a July 20, 2009 article in The Daily Telegraph, Sydney, was unfair, in repeating inaccuracies about his football career that had been corrected ten years earlier.

In the wake of the Karmichael Hunt decision to switch to AFL, the newspaper ran a story about other footballers who had switched codes, concentrating on Mr Smith, who had played one first grade game for the Newcastle Knights in 1999. The newspaper's sister paper, The Sunday Telegraph, had previously covered Mr Smith's career in an article in March 1999, when it had contacted US sports journalists and the Philadelphia Eagles NFL club to confirm the footballer's *bona fides*.

Following an approach from Mr Smith, The Sunday Telegraph had published a follow-up story a week later that clarified that Mr Smith had played several trial games for the Eagles as an unsigned free agent, but had not been contracted by the club for the regular season.

When The Daily Telegraph revisited the story in 2009, it asserted, among other things, that "no one at the Eagles [had] ever heard of him". Mr Smith complained that the 2009 article revisited matters that had been corrected in 1999 and that the newspaper refused to correct the record on this occasion. He also complained that various references to him in the article were demeaning.

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In the view of the Press Council, the newspaper carefully distinguished between the reporting of facts and allegations in the two impugned articles.

Mr Smith complained that the 2009 article revisited matters that had been corrected in 1999 and that the newspaper refused to correct the record on this occasion. He also complained that various references to him in the article were demeaning.

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Newspapers have wide discretion when publishing reader views, but in this instance the newspaper has clearly crossed the line, by publishing a letter that is grossly offensive.

The newspaper defended its report, relying on the 1999 conversation that Mr Smith had had with its reporter. In an attempt to settle the matter at mediation, the newspaper offered merely to correct its electronic archive so that the assertions made by Mr Smith about his NFL career would be included, but not to publish a correction or clarification. Mr Smith insisted on a published correction.

The Council considers that the newspaper was entitled to revisit Mr Smith’s story but had an obligation to get it right, taking into account material that had led to the 1999 follow-up story. There was no basis for the assertion, as the newspaper’s own archive demonstrated. When it was brought to its attention, the newspaper should have corrected this inaccuracy in print and with due prominence.

The Council finds that the newspaper has been grossly unfair in reviving an inaccurate story about Mr Smith in such derogatory language.

Not sensationalised

Adjudication No. 1443 (October 2009)

The Australian Press Council has dismissed a complaint by Rob Perkovic against The Daily Telegraph for articles dated July 13, 17, 18 and 22, 2009, which reported on swine flu deaths.

Mr Perkovic complained that the articles exaggerated the severity of swine flu and amounted to “fear-mongering”, “propaganda tactics” and promotion of the drug company responsible for vaccinations.

The Council can find no evidence of a breach of its principles. The articles, part of a series, were not sensationalised, did not exaggerate the possible impact of the virus and references to the drug company appeared only in passing in one of the cited articles.

Letter was grossly offensive

Adjudication No. 1444 (October 2009)

The Australian Press Council has upheld a complaint made by Amelia Willmer against the Gold Coast Sun relating to publication of a letter on August 27, 2009.

The subject letter was published in response to a previous letter on the issue of conscription, lamenting the reception of servicemen on their return from service as “baby killers”. The second letter, which is the subject of the complaint, effectively compared Viet Cong women to animals and supported the controlled genocide of their children.

Ms Willmer complained that the letter was racist, vicious and misogynistic.

The newspaper stated that it does not necessarily condone the views of its contributors, and accepts that its readers have differing views. According to the newspaper, all letters received in relation to this issue were published.

Ms Willmer chose not to submit a letter to the newspaper, stating that she did not wish to keep the sentiments alive in the public domain nor afford the letter-writer a further right to vent.

Newspapers have wide discretion when publishing reader views, but in this instance the newspaper has clearly crossed the line, by publishing a letter that is grossly offensive.

Opinions were derived from facts

Adjudication No. 1445 (October 2009)

The Press Council has dismissed a complaint from Cailen Cambeul, of the self-styled Church of Creativity, South Australia, that the News Limited website, The Punch, misrepresented adherents of the church as uneducated, illiterate and prone to committing violence.

Mr Cambeul, who runs the church, complained that The Punch columnist, Tory Shepherd, insinuated that he had a criminal history, and had nullified his church’s right to be accepted as a legitimate religious body.

Ms Shepherd’s column, which appeared on July 30, 2009, was written after she explored an array of unusual religious and political websites, including the Church of Creativity. She wrote that Cambeul had “a bit of a chequered history” and that the church’s members were just “a few loners looking for something to do with all their hate”.

In a brief reply to Mr Cambeul's complaint, The Punch said that Mr Cambeul was a self-confessed racist and that the Church of Creativity was a white supremacist organisation, not a recognised religion.

Mr Cambeul, who describes himself on his website as, "The racist formerly known as Colin Campbell", argued that he is a white separatist, not a supremacist. However his advice to The Punch that "We do accept that White people are intellectually superior to the other races" fits most definitions of a supremacist belief.

The Council finds that the majority of The Punch's column to which Mr Cambeul objected in fact referred to organisations other than his own. It is difficult to see how the column could void his church's claim to religious legitimacy, nor does the description of Mr Cambeul's career as "chequered" necessarily imply criminality.

The Council accepts that bylined columnists are free to express controversial opinions provided – as in this instance - the opinions are derived from fact.

Main thrust not altered

Adjudication No. 1446 (December 2009)

The Australian Press Council has dismissed a complaint by Ken Thomas against The Gold Coast Sun related to his letter published on August 26, 2009. The letter was one of a number of letters related to the war in Iraq published by the newspaper over several weeks. Mr Thomas complained that his letter had been altered unfairly resulting in loss of meaning.

The Council can find no evidence of a breach of its principles. Newspapers have reasonable discretion in modifying language or reducing the word count of letters provided the published letter does not distort the writer's view. In this case, the editing by the newspaper did not substantively alter the main thrust of the original letter or its meaning.

Misleading figures used

Adjudication No. 1447 (December 2009)

The Press Council has upheld a complaint against the Herald Sun over a July 21 feature article dealing with animal cruelty, which concluded that more than 100,000 dogs and a similar number of cats were euthanased in Victoria every year. The article said that exact figures were "hard to get", but appeared to draw substantially on the advice of an animal rescue and rehabilitation charity in arriving at the 100,000 estimate that was highlighted as a supplement to the headline.

A strong theme of the article was that too many pets are being sold that are either unwanted or are producing unwanted puppies or kittens, and the writer attributed this to "a loophole in Victoria's laws" that allows commercial operators – unlike pounds and shelters - to sell pets that have not been de-sexed.

The complainant, Dr Harry Corbett, a veterinarian, said the article grossly inflated the number of dogs put down each year. He said credible sources for animal welfare statistics were available in Victoria, and that these indicated a figure considerably lower than those given by the feature writer. Dr Corbett also argued the case for compulsory de-sexing was flawed because only 25 per cent of puppies were bought from commercial suppliers and around 90 per cent of Australian pet owners already have their pets desexed. Dr Corbett's attempts to contact the newspaper to have the figures corrected were unsuccessful.

The newspaper said that the journalist had drawn on "sound and reliable sources" upon which to base her analysis, having interviewed managers from reputable animal shelters and hospitals as well as the animal rescue charity quoted in the article. Dr Corbett said that the journalist's analysis of the figures provided by those sources "demonstrated the triumph of woolly thinking over simple arithmetic".

While the Council is not in a position to arbitrate on the merits of the sources from which the statistics in the article emerged, it believes that a response to those statistics from Victorian animal welfare authorities would have ensured a better balanced article, and reduced the risk of what appear to be very misleading figures being published.

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Newspapers have reasonable discretion in modifying language or reducing the word count of letters provided the published letter does not distort the writer's view. In this case, the editing by the newspaper did not substantively alter the main thrust of the original letter or its meaning.

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The Council agrees that people should be identified where relevant, and known to the newspaper. In this case, it would have been better had Dr McAlister's previous affiliation been noted, but the Council does not believe that this omission was sufficient to uphold a

Identify where relevant

Adjudication No. 1448 (December 2009)

The Australian Press Council has dismissed a complaint made by Trevor Farrant against The Sunday Mail, Adelaide, over publication of an article on July 12, 2009 and a related letter, authored by Dr Ed McAlister, on July 26, 2009.

The article, headed “*Disgust*” after zoo trees felled, concerned the removal of six trees by the Adelaide Botanic Gardens as part of a redevelopment of the Adelaide Zoo.

Mr Farrant complained that the article contained inaccuracies that were left uncorrected once brought to the paper’s attention. Much of Mr Farrant’s assertion of inaccuracy is connected with his belief that the development approval for tree removal was granted erroneously, if not unlawfully. However, this opinion represents only one perspective of an apparently contentious issue and Mr Farrant was unable to establish that any material point was factually inaccurate. The article was fair and balanced in reporting the various views of the affected parties and the process followed in obtaining development approval, notwithstanding that it failed to address wider issues related to the Zoo redevelopment.

As to Mr Farrant’s complaint of inaccuracy regarding the origins of the pine trees, the article states “it has been suggested” that the trees were planted by the Salvation Army and does not convey this detail as a factual certainty. The paper openly disclosed that it had been unable to establish the origins of the trees. The paper published Dr McAlister’s letter a fortnight later stating that the pine trees have no connection with the Salvation Army.

In relation to the letter, Mr Farrant complained that the paper erred in failing to disclose that the letter-writer, Dr McAlister, was previously employed by the Adelaide Zoo. The Council agrees that people should be identified where relevant, and known to the newspaper. In this case, it would have been better had Dr McAlister’s previous affiliation been noted, but the Council does not believe that this omission was sufficient to uphold a complaint.

Broad spectrum of opinion published

Adjudication No. 1449 (December 2009)

The Press Council has dismissed a complaint about coverage of vandalism attacks on the home of the chairman of Gunns, John Gay. The first was published in The Sunday Examiner, Launceston, on October 11, in a page-one story headed *Gay’s home smoke-bombed*, and the second an opinion piece by the former Premier, Paul Lennon, headed *Pulp mill protesters’ tactics are despicable*, in The Examiner two days later.

Russell Langfield complained that the coverage implied a direct link between the vandalism and a protest against the controversial pulp mill the previous weekend.

The Press Council finds that the page-one news article did no more than report the facts of the police investigation, and that one of the acts of vandalism had occurred the same weekend as the protest. The fact that police later concluded that the alleged smoke bomb attack was a prank, which the newspaper subsequently reported, does not detract from the newsworthiness of the original report. The article did not say protesters had perpetrated the attacks.

The opinion piece by Mr Lennon was forcefully worded and certainly suggested that the incidents at Mr Gay’s house were orchestrated by anti-mill campaigners. However, it was one of a number of stories published about the issue, which covered a broad spectrum of opinion about the proposed pulp mill including condemnation of the attacks by opponents of the pulp mill.

... but they were apart ...

Adjudication No. 1450 (December 2009)

The Press Council has upheld a complaint against the magazine Famous for digitally altering images of the two main stars of the Twilight films – then refusing publicly to acknowledge what it had done.

The celebrity magazine, on the cover of its September 21 issue, took separate photographs of actors Robert Pattinson and Kristen Stewart and produced a digitally altered image that purported to show the couple in a close embrace. The accompanying headline read *You won’t keep us apart*.

The editor-in-chief apologised to the complainant for failing adequately to caption, disclose or credit the use of the digitally altered image, saying the omission was an oversight on the part of his team.

He said the image was not intended to deceive readers, but was presented “to illustrative in print purposes only”. However the magazine refused to acknowledge that the photos had been digitally altered.

Instead it offered \$3.50 – the cost of a copy of the magazine – to the complainant to compensate “for her hurt and suffering”. The complainant, who describes herself as “a big *Twilight* fan”, declined to accept the money.

The Press Council believes a publication that uses a significantly altered image that purports to illustrate the news should clearly disclose the fact of that alteration.

The complainant was previously employed by the Press Council, and is now employed by a rival magazine publisher, but complained in her private capacity. The Council does not believe her past or current employment was relevant.

Pleas not reported

Adjudication No. 1451 (February 2010)

The Press Council has upheld a complaint made by The Right Reverend David Robarts about articles that appeared in *The Examiner*, Launceston, on June 16, September 22 and October 6, 2009.

The articles reported on armed robbery charges laid against Rev. Robarts’ wife and her two sons. Rev. Robarts complained that the first two articles contained errors of fact relating to his standing in the Anglican Church, his wife’s involvement in the alleged robbery and whether she had entered a plea that went unreported. He claimed that the reporting was defamatory and prejudicial and he objected to the references, and a photograph, linking him as a clergyman to the accused.

The newspaper countered that the reports were based on court papers and were accurate, fair and balanced. One minor factual error was promptly corrected.

The Council finds that *The Examiner* was unfair in its failure to report in the article of September 22 that Mrs Robarts and one of her sons had already entered “not guilty” pleas. It was also unfair in failing to report clearly and prominently in the article of October 6 that the charges were dropped against Mrs Robarts and her younger son, in contrast to the prominence with which the newspaper had previously reported the charges (including her status as the “Minister’s wife”).

Claims presented as facts

Adjudication No. 1452 (February 2010)

The Press Council has upheld a complaint by the media adviser of the Western Australian Police Commissioner against *The Sunday Times*, Perth, concerning a page 1 headline and introductory paragraph published on August 30, 2009.

The headline, *Crime Stoppers Slashed*, with an additional heading Police hotline victim of new budget cuts, and an introductory paragraph, pointed to a “full story” on page 4. The page 1 material, as well as an editorial in the same edition, presented as fact the allegation that the Crime Stoppers budget was to be “slashed” as a result of state budget cuts.

The newspaper’s basis for this was said to be the WA Police Union, which was quoted prominently in the body of the report, and other police sources. Towards the end of the report the police Commander for State Intelligence, Duane Bell, was quoted as saying that, although there had been a three per cent efficiency cut in the unit’s budget, this would not impact on Crime Stoppers call-taking ability.

The media adviser complained that *The Sunday Times* report was inaccurate, and misleading because the front-page report was presented as fact rather than allegations by the Police Union. He also said that a major change in Crime Stoppers staffing, referred to prominently in the article, was not a result of State budget cuts.

The Council finds the headline and the introductory paragraph, which was repeated in the full article on page 4, were erroneous in presenting claims as facts. *The Sunday Times* was entitled to report claims made by the Police Union and others, but once Commander Bell issued his denials it should have more fairly reflected the disputed nature of the claims in its page 1 material and in the editorial.

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The Press Council believes a publication that uses a significantly altered image that purports to illustrate the news should clearly disclose the fact of that alteration.

The Sunday Times was entitled to report claims made by the Police Union and others, but once Commander Bell issued his denials it should have more fairly reflected the disputed nature of the claims in its page 1 material and in the editorial

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Because it knew a mental health assessment was being made, the newspaper should have been more cautious in the way it treated the incident, including publication of the bylined article, which could have been written more sensitively.

No justification for invasive photo

Adjudication No. 1453 (February 2010)

The Australian Press Council has upheld a complaint by SANE Australia against a bylined article and two pictures in the weekend edition of The Tweed Daily News of August 22-23, 2009.

The article and pictures, in which a man's face was clearly identifiable, accompanied a report (about which no complaint was made) on a large-scale search for what was suspected to be a dead, naked body sighted on the banks of the Tweed River on the afternoon of Friday August 21.

Full frontal photos with the man's genitalia obliterated by the word "Censored" were published in large format on page 1 and again in smaller format adjacent to the bylined article on page 2, in which the journalist described her personal reaction to the incident.

The hunt by police, paramedics and an SES boat crew was fruitless until a naked man emerged from bushes near the newspaper's journalist and a female photographer. Having taken photographs of him, they alerted police to his whereabouts and that he was alive.

The news report said that the man told police he had gone for a swim and couldn't find his clothes when he emerged from the river. It also stated that the man was taken to Tweed Hospital for mental health assessment.

SANE Australia asserted the newspaper was "fully aware" of the man's mental state when it chose to "exploit his vulnerability" by publishing the pictures and the bylined article. The newspaper denied it had any information about the man's mental condition other than that it was to be assessed, "as one would expect in such a situation".

While there was a clear public interest in the publication of the report about a missing man, and the search for him, there was no justification for the publication of the photos in a form that clearly identified the man and did not adequately respect his privacy and sensibilities. Because it knew a mental health assessment was being made, the newspaper should have been more cautious in the way it treated the incident, including publication of the bylined article, which could have been written more sensitively.

No opportunity for response given

Adjudication No. 1454 (March 2010)

The Australian Press Council has upheld two complaints from Alan Pendleton, a Councillor in the Blacktown Council. Cr Pendleton submitted complaints concerning two articles in the Rouse Hill Times published on December 2 and December 9, 2009. He alleged that neither article provided sufficient balance to those who were the subject of strong criticism.

The December 2 article was based on anonymous sources, who said that there was a lack of financial support from Blacktown Council to celebrate the Riverstone area's bicentennial in 2010. Cr Pendleton was singled out for criticism.

The complainant says the article is based on a number of falsehoods and misrepresentations, the main one being that that Cr Pendleton had "flat out refused" the ideas presented to the bicentenary committee he chaired. When the local council's public relations team was approached for a comment on the article, the "flat out refused" assertion, based on an anonymous source, was not mentioned. No approach for comment on the article was made to Cr Pendleton.

The newspaper stated that it sought and published comment from the Blacktown Council's public relations team, which it said was in line with previous requests from the council. It pointed out that it had offered the complainant a follow-up story or a letter to the editor to put his views, both of which were declined.

The Press Council has upheld this complaint. Despite the newspaper including comment from the Blacktown Council, and the complainant subsequently rejecting the opportunity for his views to be aired in the newspaper, the newspaper has not been fair to Cr Pendleton. As a quoted anonymous source was directly critical of the Councillor, the newspaper should have given the council's public relations team the opportunity to comment on those criticisms, or preferably contacted Cr Pendleton directly for his comments.

The newspaper to its credit has since changed its policy regarding comments from local councillors, instructing its reporters to approach them directly in instances where they are identified or singled out for comment.

The complaint about the December 9 edition related to the newspaper's front page. The main article reported that the NSW State Government had announced the development of a new suburb. Accompanying it was a photo feature detailing the latest developments in an on-going saga involving a local business. The report in the photo feature asserted that the business would be a victim of the announced development and then quoted the business's owner as saying that the local council, which had previously challenged aspects of his operations, was part of a "conspiracy to get rid of me". In this article Cr Pendleton was not mentioned, but he said that the criticism of Blacktown Council reflected on him as a councillor.

The newspaper asserted that the article needed to be read in conjunction with the main article, which it said clearly attributed the decision to the state government and its Planning Department and the reference critical of Blacktown Council in the article was a quote from the owner of the business, which did not require a comment from the council. It pointed out that the newspaper had extensively covered the on-going saga between the Blacktown Council and the local business so that the council's involvement in the matter was well understood.

The Press Council believes that the newspaper should have contacted the council for balancing comment in view of the strong accusation in the article.

The grandsons were not the main story

Adjudication No. 1455 (March 2010)

The Australian Press Council has upheld a complaint by Douglas Baggaley against The Northern Star, Lismore, over an article arising from the funeral of his mother.

The December 30 article, headed *Baggaleys miss Byron funeral of grandmother*, reported that her two grandsons who were in jail did not attend. Half the article detailed the convictions of the grandsons for crimes committed in 2007.

Mr Baggaley said that the article belittled his family at a time of deep loss and had outraged and insulted the family, their friends and the community. He demanded an apology from the newspaper.

In response the newspaper said it had privately apologised to Mr Baggaley's 91-year-old father and had published some of the letters to the editor it had received critical of the article. It was the newspaper's policy only to print apologies when it had published material that was incorrect.

The Council's principles state that news and comment should be presented honestly and fairly with respect for the privacy and sensibilities of individuals. This right should not be interpreted to prevent publication of matters of public record or significant public interest.

Mrs Baggaley's grandsons certainly had attracted local and national publicity at the time of their convictions.

However the Council believes the newspaper erred in gratuitously highlighting the grandsons and their criminal records at such length and in such detail that the article was clearly unbalanced and, as a result, unduly offensive to the family, in a time of grief. The newspaper's failure to print any public expression of regret exacerbated the offence.

Comments misrepresented

Adjudication No. 1456 (March 2010)

The Australian Press Council has upheld a complaint from Steve Portelli over a bylined article in The Fremantle Herald on September 12, 2009. The article focused mainly on concerns expressed by Mr Portelli, chair of the Atwell Community Association, about plans to include 78 Homeswest apartments in an affordable housing project. The concerns had been expressed in an email to the newspaper and then in a follow-up telephone interview initiated by the newspaper.

The article stated that Mr Portelli "said that many public housing tenants were 'bone lazy' with 'no drive or aspirations to improve themselves or their children's lives'." After publication, Mr Portelli

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However the Council believes the newspaper erred in gratuitously highlighting the grandsons and their criminal records at such length and in such detail that the article was clearly unbalanced and, as a result, unduly offensive to the family, in a time of grief. The newspaper's failure to print any public expression of regret exacerbated the offence.

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The Council considers that reliance on a note in these terms is not sufficient to justify failure to reflect the degree of balance expressed in the above-quoted passage from Mr Portelli's initial email. If the newspaper had responded more promptly to Mr Portelli's complaint, both initially and after the Council became involved, there might have been a greater prospect of reaching an agreed settlement.

complained to the reporter that the article did not accurately represent his views as expressed in the following passage from his initial email:

It is fact that there are many Homeswest tenants who cannot afford to purchase their own home due to justifiable reasons, there are also some that are bone lazy and have no drive or aspirations to improve themselves or their children's lives. The fact is, somebody who owns or is buying their own home will have a reason to take pride in it and be considerate of their neighbours.

Mr Portelli asked for this passage to be printed in full in the next issue, together with an apology by the newspaper. Six weeks later, having had no substantive response from the newspaper, he complained to the Council that the article "misquoted" him and thereby "generally denigrated Homeswest tenants and made [him] the author of such defamation".

When contacted by the Council, the newspaper apologised for what it saw as "inexcusable" delay in responding to his complaint but denied misquoting him. It offered, however, to "consider for publication a further short written statement from Mr Portelli in which he clarifies his position, without claiming he was misquoted".

The Council's inquiry as to whether the newspaper was willing to print the full extract from Mr Portelli's initial email and to apologise did not receive a substantive response until almost four months later, less than 48 hours before the Council's scheduled teleconference with it and the complainant. The newspaper then declined to publish any "correction or apology" and stated that the reporter's notes of the telephone interview with Mr Portelli supported its description of his views. In particular, it said that one note read: "You can't have a vast concentration – recipe for disaster – so many in one area lazy and disruptive."

The Council considers that reliance on a note in these terms is not sufficient to justify failure to reflect the degree of balance expressed in the above-quoted passage from Mr Portelli's initial email. If the newspaper had responded more promptly to Mr Portelli's complaint, both initially and after the Council became involved, there might have been a greater prospect of reaching an agreed settlement. It might then have been reasonable, for example, to expect Mr Portelli to be satisfied with a clarification by the newspaper without an accompanying apology. To its credit, the newspaper has now established procedures to avoid delayed responses in future.

Note: The newspaper sought a review of the original draft of this finding. After reconsideration, the adjudication was re-issued, retaining the original finding, but more clearly outlining the events in the complaint.

Climate scientist misquoted

Adjudication No. 1457 (May 2010)

The Australian Press Council has considered complaints by Jonathan Doig against two articles published by the Sydney afternoon newspaper, MX, on climate change issues.

The first article, dated 18 January, was headed *Glaciers claim melts*. Mr Doig complained that the article relied extensively and uncritically on a single biased source to denigrate the UN's Intergovernmental Panel on Climate Change, while presenting no opposing view.

The newspaper, in response, said that the article was not about climate change but rather about the politics involved. It also stated that it regularly runs stories about climate change and the politics of climate change, and that the climate change debate has far too many sides to enable parties to claim that their side is the only accurate one.

Mr Doig agreed that articles in other issues of the newspaper had given voice to a wide range of views on climate change, though not on the specific claims made in this article regarding the IPCC's reputation.

The second article, on 15 February, was headed *Hotter in days of the knights*. Mr Doig complained that the headline was unsupported by either the source article or the available science. Mr Doig suggested that the article, based on an extensive interview with the BBC by a leading climate scientist, had misquoted the scientist and taken his comments out of context, leading to a false impression that he no longer supported anthropogenic global warming theory.

In responding to this complaint, the newspaper noted that the article was a foreign-sourced report, not produced locally by its reporters. It conceded that the headline might well have benefited from having

included a question mark, but said that it still conveyed the same sentiment, namely an ambiguity over whether the Earth was hotter 700 years ago.

In considering the newspaper's assertion that it was merely reprinting foreign-sourced material, the Council emphasised that a newspaper is responsible for what it publishes irrespective of the source of the material.

In relation to the 18 January article, the Press Council dismisses the complaint. The article was an incremental news report contributing to the extensively documented and complex climate change debate.

The second complaint, in relation to the 15 February article, is upheld on the grounds that the headline and the first three paragraphs misrepresented and took out of context comments made by Professor Phil Jones in a BBC interview, on which the article was based. The article said that Prof Jones "suggested the world was warmer in medieval times than now". A transcript of the BBC interview shows that Prof Jones did not make that suggestion but, rather, said that there was insufficient scientific data to form a reliable opinion on the matter. The article also reported that Prof Jones "said that global warming may not be a man-made phenomenon". The transcript, however, demonstrates that Prof Jones remains a supporter of the view that human activity is largely responsible for contemporary global warming.

New development in an on-going issue

Adjudication No. 1458 (May 2010)

The Australian Press Council has dismissed a complaint by the Association for Berowra Creek Inc. over a report and an editorial in the Hornsby Advocate on 17 December 2009. Both articles dealt with Hornsby Council's approval in principle of cross-country mountain bike trails in the shire. The in-principle approval opened the way for the council to seek finance for the project and to prepare a draft mountain bike plan with reference to environmental issues.

The association complained that the article quoted only a spokesman for mountain bikers and failed to state the views of six individuals and groups who spoke against the proposal. It also took offence at the editorial's portrayal of opponents of the scheme as "NIMBYs" and "fearful Freddie's".

The newspaper replied that its article stated there were dissenting voices in the debate. The article was about moving forward once the scheme had won in-principle approval, and not about re-presenting the arguments that had failed to sway council. The article quoted one of the pro-bike trail advocates from the council debate whose comments, the newspaper said, presented the contrasting issues in the matter. The editor said he stood by his right to express in the editorial, which was clearly labelled "opinion", his strong support for dedicated mountain bike trails.

The association also complained that the newspaper ignored two emails it sent on 20 December 2009 and 21 January 2010. The first appeared to be in the form of a letter to the editor designed for publication and the second was a re-send of the same letter, with a covering note referring in part to the need for the newspaper to provide "a reasonable and swift opportunity for a balancing response". While the newspaper did not publish correspondence from the association, it did publish a letter from an opponent of the bike trails on 7 January, and posted for-and-against views on its website between 18 December 2009 and 11 January 2010.

The Press Council finds that the article principally concerned a new development in an on-going issue that continued to be reported in the newspaper. Accordingly, the article did not need to cover all sides of the debate. In these circumstances, the published letters on the article in the newspaper and on its website provided sufficient balance and the editorial was within acceptable bounds as a clearly designated expression of the newspaper's opinion.

Although the complainant expected a reply from the newspaper to its submitted letter, it is the general practice for newspapers to do this only when there are particular circumstances. The Press Council can see nothing in this case that would require the newspaper to reply.

Adjudications
1457
1458

In considering the newspaper's assertion that it was merely reprinting foreign-sourced material, the Council emphasised that a newspaper is responsible for what it publishes irrespective of the source of the material.

Adjudications
1459
1460

The Press Council considers that the newspaper was clearly entitled to report the statement made by the Mayor at a council meeting but, when the allegation of inaccuracy was brought to its attention, it was necessary for the newspaper to make a reasonable offer to publish Mr Hinton's assertions.

Dispute on accuracy should have been covered

Adjudication No. 1459 (May 2010)

The Australian Press Council has considered a complaint by Michael Hinton against an article published by The Crookwell Gazette on December 8, 2009 headed *Complaints against Council staff "frivolous"*. The article reported that at a meeting of the Upper Lachlan Shire Council the Mayor, Cr John Shaw, had said that he had dismissed "formal complaints" made by Mr Hinton against two senior officers.

Mr Hinton did not dispute that the Mayor had made the statement and that the newspaper was entitled to report it. But he said that the Mayor's statement was inaccurate because he had merely inquired about the procedures for making a formal complaint. He asked the newspaper to ascertain the facts itself and report that he had not made a formal complaint.

The newspaper drafted an article that complied with Mr Hinton's request and with which he was satisfied. It was subsequently altered simply to report Mr Hinton's assertions, rather than to state that the assertions were correct. He objected to the revised version as "not making sense" and being "watered down".

The newspaper sought legal advice that, it said, was to the effect that the newspaper had no obligation to determine itself whether a formal complaint had been made and, if it did so, could be at risk of proceedings for defamation. The newspaper did not publish either version of the article. It invited Mr Hinton to contribute something for publication in his own name, but its lawyers said a proposed contribution was defamatory.

The Press Council considers that the newspaper was clearly entitled to report the statement made by the Mayor at a council meeting but, when the allegation of inaccuracy was brought to its attention, it was necessary for the newspaper to make a reasonable offer to publish Mr Hinton's assertions. It considers that the second version of the proposed article was sufficient for that purpose.

The Press Council recognises that Mr Hinton wanted the newspaper to report itself that the Mayor's statement was inaccurate, rather than only his assertion to that effect. But, in all the circumstances, it considers that the newspaper's offer of the second version was a reasonable response, as was its decision not to publish that version in the light of Mr Hinton's objection to it. Nevertheless, it is regrettable that the newspaper did not make its readers aware either that the Mayor's statement had been incorrect or, at least, that Mr Hinton disputed its accuracy.

Use of image not unfair

Adjudication No. 1460 (May 2010)

The Australian Press Council has dismissed a complaint against a court report headed *Jail suspended for market pair* published on 30 January 2010 in The Cairns Post.

The report related to the plea of guilty by a local couple to a charge of growing cannabis at their farm. The complainants, Narella and Miguel Antequera, objected especially to a photograph (taken some years earlier) showing Mrs Antequera selling produce at her regular stall in a prominent Cairns market place, which had accompanied the court report. They also argued that the text focused inappropriately on their market business and contained some factual errors in references from the hearing to the manner in which they had grown the cannabis.

The Cairns Post replied that the link to the market business was justified because the couple's defence in court had referred to the stall. It also said that the photograph was taken in a public place and that the old photograph was a valid illustration of their continuing role at the market. It denied that there were factual inaccuracies in the report.

The Press Council considers that text and photograph were not unfair in linking the Antequeras with their market stall, especially as their business and stall were mentioned in the court hearing. The use of an old photograph was reasonable in the circumstances and the alleged factual inaccuracies were not of a kind that, even if shown to be incorrect, significantly prejudiced the Antequeras.

Publication Details

Adjudications

Publication details

Of the 33 adjudications issued by the Council, all but one were printed by the publication concerned. The non-complying publication is not a member of, or affiliated with, the Council but had agreed to co-operate in the processing of the complaint. It continues to seek a review of the matter by the Council. The following table lists the Council's adjudications, together with the date of their printing by the publication. Some were printed in other publications as well and the Council notes those of which it is aware. Each meeting the Complaints Committee looks at the adjudications from the previous meeting and ensures that they have been published "with due prominence" by the publication concerned, as mandated by the Statement of Principles.

ADJ	NAME OF PUBLICATION	DATE ISSUED	DATE PUBLISHED	PAGE
1430	The Australian	31.7.09	17.8.09	36
1431	The Sydney Morning Herald	31.7.09	10.8.09	6
1432	The Sun City News	31.7.09	11.8.09	1
1433	The Cairns Post	31.7.09	10.8.09	8
1434	The Advertiser	31.7.09	1.8.09	43
1435	The Sydney Morning Herald	10.9.09	18.9.09	9
1436	The Daily Telegraph	10.9.09	20.9.09	2
1437	Sun City News	10.9.09	22.9.09	4
1438	Hastings Independent	10.9.09	29.9.09	3
1439	The Advocate	10.9.09	23.9.09	14
1440	Dubbo Liberal	23.10.09	29.10.09	4
1441	The Sunday Telegraph	23.10.09	1.11.09	2 & 50
1442	The Daily Telegraph	23.10.09	20.1.10	81
1443	The Daily Telegraph	29.10.09	25.11.09	27
1444	The Gold Coast Sun	29.10.09	28.10.09	31
1445	The Punch	29.10.09	19.11.09	front
1446	Gold Coast Sun	4.12.09	9.12.09	35
1447	The Herald Sun	4.12.09	17.12.09	32 and
			17.2.10, page 24	
1448	The Sunday Mail	4.12.09	6.12.09	2
1449	The Examiner	4.12.09	14.12.09	8
1450	Famous	4.12.09	16.4.10	
1451	The Examiner	8.2.10	12.2.10	12
1452	The Sunday Times	8.2.10	14.2.10	94
1453	The Tweed Daily News	8.2.10	12.2.10	5
1454	The Rouse Hill Times	31.3.10	14.4.10	4
1455	The Northern Star	31.3.10	8.4.10	7
1456	The Perth Voice	31.3.10		
1457	MX Sydney	26.5.10	3.6.10	8
1458	Hornsby & Upper North Shore Advocate	26.5.10	3.6.10	3
1459	Crookwell Gazette	26.5.10	1.6.10	3
1460	The Cairns Post	26.5.10	published (date tbc)	

Adjudications

Complaints
year by year

Subject index

Complaints and adjudications 1976 - 2010

Year	complaints received	complaints mediated or withdrawn	complaints adjudicated	adjudi- cations issued
1976-7	78	32	23	19
1977-8	135	67	18	17
1978-9	164	67	28	25
1979-80	216	126	30	23
1980-1	233	114	25	19
1981-2	251	97	31	30
1982-3	307	108	40	28
1983-4	310	80	39	37
1984-5	323	47	60	41
1985-6	305	83	97	49
1986-7	298	85	73	49
1987-8	184	65	48	35
1988-9	205	54	45	34
1989-90	233	89	49	40
1990-91	345	134	59	57
1991-2	421	115	85	68
1992-3	429	122	126	79
1993-4	406	165	113	84
1994-5	416	167	86	65
1995-6	413	164	95	71
1996-7	399	164	82	61
1997-8	434	179	76	49
1998-9	410	166	77	58
1999-2000	403	176	66	47
2000-1	413	177	65	42
2001-2	390	184	70	44
2002-3	367	169	51	32
2003-4	417	189	75	40
2004-5	426	205	88	48
2005-6	420	218	61	30
2006-7	421	191	74	40
2007-8	457	200	73	35
2008-9	506	247	68	33
2009-10	529	256	54	31
	11664	4702	2150	1460
		40.3%	18.4%	

Index to Complaints Adjudicated

Distortion: 1456

Ethical standards breached: 1437, 1450, 1460

Headline, false or misleading: 1430, 1436, 1441

Imbalance; inadequate coverage: 1432, 1436, 1438, 1440, 1447, 1448, 1452, 1454, 1457, 1458

Inaccuracy; misrepresentation: 1430, 1432, 1435, 1438, 1439, 1442, 1447, 1448, 1449, 1451, 1452, 1454, 1457, 1458, 1459

Invasion of privacy: 1431, 1434, 1440, 1453

Irresponsibility: 1453, 1455

Letters, non-publication or editing: 1446

Offensive coverage: 1455

Racism; religious disparagement: 1440, 1444, 1445

Sensationalism: 1443

Sexism: 1431, 1444

Unfair treatment: 1433, 1437, 1441, 1442, 1445, 1451, 1460

Complaints and adjudication statistics 2009-2010

Complaints stats

number received
state of origin
made by

Complaints received

	2009/10	2008/9	Total 1988/2009
Carried forward from previous period	33	47	36
Complaints	529	506	8387
Letters	417	397	7062

from complainants in

	2009/10	%age 2009/10	2008/9	%age 2008/9	1988/2009	%age 1988/2009
New South Wales	158	37.9	150	37.8	2447	34.7
Victoria	120	28.8	96	24.2	1641	23.2
Queensland	59	14.1	63	15.9	1220	17.3
Western Australia	25	6	30	7.6	585	8.3
South Australia	18	4.3	28	7.1	493	7
Tasmania	17	4.1	6	1.5	263	3.7
ACT	7	1.6	10	2.5	228	3.2
Northern Territory	4	1	3	0.7	123	1.7
Overseas	9	2.2	11	2.7	62	0.9
Total	417	100	397	100	7062	100

Made by

	2009/10	%age 2009/10	2008/9	%age 2008/9	1988/2009	%age 1988/2009
Individuals	277	66.4	260	65.5	4291	60.8
Professionals	31	7.5	28	7.1	491	6.9
Associations/Organisations	24	5.8	31	7.8	568	8
Companies/Businesses	9	2.2	10	2.5	236	3.3
Institutions/Public Bodies	4	1	7	1.8	92	1.3
Government Departments/Agencies	4	1	4	1	188	2.7
Local Councils/members	11	2.6	7	1.8	275	3.9
Religious groups	10	2.4	10	2.5	120	1.7
Aboriginal support groups/legal services	2	0.5	1	0.3	93	1.3
Ethnic Community Groups	18	4.3	8	2	111	1.6
Other lobby groups [^]	13	3.1	11	2.7	41	0.6
Election Candidates/Politicians	11	2.6	10	2.5	239	3.4
Political parties	1	0.2	4	1	80	1.1
Unions	0	-	0	—	60	0.9
Solicitors (for clients)*	1	0.2	0	—	119	1.7
Publications	1	0.2	6	1.5	41	0.6
Anonymous	0	-	0	—	17	0.2
Total	417	100	397	100	7062	100

* Under new guidelines adopted by the Council in 1996, most complaints made by solicitors for clients are now dealt with as if they had been submitted by the client.

[^] This new category was introduced in 2006-7 to distinguish those individuals who represent a community-based campaign groups, including anti-vaccination and pro-immigration campaigners.

Complaints stats about type of publication	About	2009/10	%age	2008/9	%age	1988/2009	%age
			2009/10		2008/9	1988/2009	1988/2009
	Abuse of press freedom	4	0.8	3	0.6	81	1
	Advertising; advertorials	10	1.9	9	1.8	226	2.7
	Bad Taste	7	1.3	1	0.2	110	1.3
	Bias	37	7	53[A]	10.4	448	5.3
	Censorship; suppression of facts	16	3	6	1.2	266	3.2
	Distortion	14	2.6	15	3	292	3.5
	Ethical standards breached	26	5	21	4.1	512	6.1
	False Reporting	13	2.5	13	2.5	409	4.9
	Freedom of the press threatened	0	-	1	0.2	30	0.4
	Headline, false or misleading	8	1.5	16	3.2	315	3.8
	Imbalance; inadeq cover (inc no reply)	48	9.1	52	10.3	795	9.5
	Inaccuracy; misrepresentation	106	20	110[A]	21.7	1246	14.9
	Invasion of privacy	21	4	20	4	448	5.3
	Irresponsibility	13	2.5	9	1.8	302	3.6
	Letters: non publication or editing	19	3.6	16	3.2	377	4.5
	Offensive cartoons	8	1.5	6	1.2	127	1.5
	Offensive coverage	44	8.3	42	8.3	628	7.5
	Racism; religious disparagement	51	9.5	43	8.5	511	6.1
	Sensationalism	10	1.9	12	2.4	148	1.8
	Sexism	12	2.3	13	2.5	147	1.8
	Unfair Treatment	60	11.3	43	8.5	875	10.4
	Other (unclassifiable)	2	0.4	2	0.4	85	1
	Total	529	100	506	100	8387	100

Against (Type of publication)

	2009/10	%age	2008/9	%age	1988/2009	%age
		2009/10		2008/9	1988/2009	1988/2009
Metropolitan newspapers	242	45.7	225	44.4	3999	47.7
Regional daily newspapers	81	15.2	58	11.5	1146	13.7
Country newspapers	35	6.6	42	8.3	841	10
Suburban newspapers	32	6.1	27	5.3	629	7.5
National newspapers	47	8.9	91[A]	18	670	8
Magazines (general interest)	18	3.4	10	2	438	5.2
Ethnic community press	4	0.8	4	0.8	272	3.2
Special interest publications	12	2.3	5	1)		
On-line news sites^	31	5.9	26	5.1	50	0.6
Rural publications	2	0.4	4	0.8	30	0.4
Non-specific; other	25	4.7	14	2.8	312	3.7
Total	529	100	506	100	8387	100

* Until 1994/5, the ethnic press and special interest publications were considered as one group for statistical purposes. They are now considered separately.

^ Category added in 2007-2008 to reflect the number of complaints arising solely from publication on members' news sites.

Complaints were disposed of

	2009/10	%age 2009/10	2008/9	%age 2008/9	1988/2009	%age 1988/2009
Refused as inappropriate	87	17	120[A]	23.1	1256	15
Referred to other organisations	34	6.6	18	3.5	419	5
Withdrawn for legal action	21	4.1	28	5.4	404	4.8
Not followed up	56	10.9	38	7.3	1173	14
Withdrawn after correspondence	130	25.4	124	23.8	1789	21.3
Mediation	126	24.6	123	23.7	1689	20.1
By press release	4	0.8	0	-	9	0.1
By adjudication	54 ¹	10.6	68 ²	13	1584 ³	18.9
Other action	0	-	1	0.2	70	0.8
Total disposed of	512	100	520	100	8390	100
Carried forward to next period	50		33		31	

NOTES FOR 2009-2010: 1. 21 upheld; 2 upheld in part; 31 dismissed; 0 other.

NOTES FOR 2008-2009: 2. 30 upheld; 3 upheld in part; 35 dismissed; 0 other.

NOTES FOR 1988-2008: 3. 480 upheld; 244 upheld in part; 832 dismissed; 28 other 35.5

Adjudications

	2009/10	%age 2009/10	2008/9	%age 2008/9	1988/2009	%age 1988/2009
Complaints upheld	11	35.5	13	39.4	277	26.2
Complaints upheld in part	2	6.5	1	3	158	14.9
Upheld in whole or part	13	42	14	42.4	435	41.1
Complaints dismissed	18	58	19	57.6	599	56.6
Neither upheld nor dismissed	0	-	0	-	24	2.3
Number of adjudications	31	100	33	100	1058	100

A. In 2008-2009, 55 complaints were received from complainants associated with a website, which encouraged complaints about a series of articles in *The Australian* on the question of shared custody among separated/divorced couples. Many of the complaints alleged bias, and the rest inaccuracy. All the complaints were refused.

Complaints stats

how disposed of
adjudications

Jack R Herman
Executive
Secretary

Complaints not adjudicated

On page 17, in discussing adjudications, this report noted a small percentage of complaints, only 10.6 per cent, progressed through the complaints procedures (published in the Council's information booklet, *Objects, Principles and Complaints Procedure*, available from the office and posted on the Council's website at: <http://www.presscouncil.org.au/pcsite/complaints/process.html>) to the adjudication stage in 2009-2010. This figure can be compared with previous years, in the table on page 34 of this report. Of the remaining complaints, some were refused, some referred to another body and others withdrawn for legal action. Details of the number in each category can be found in the statistics on page 37. 10.9 per cent of complainants did not follow-up a request from the Secretariat for more detail on their complaints. And then there are those complainants who were happy to let their complaint rest after receiving the publication's response to the complaint and those whose complaints were conciliated either by the Council Secretariat or by a Public Member of the Council. 50 per cent of all complaints ended in this way - to the satisfaction of all parties.

The complaints process gives to the Executive Secretary a discretion to refuse a complaint in a number of circumstances. In previous annual reports, there has been discussion of some of these. Complainants who feel aggrieved can appeal the decision to the Council's Complaints Committee, which decides whether to accept the matter for processing. In exceptionally rare circumstances, publications can appeal the acceptance of what they see as an unfair complaint.

Conciliated complaints

A number of the complainants mediated successfully by the secretariat or by an independent member of the Council, and the sorts of settlements arrived at, are outlined in each edition of the *APC News*, and these are published on the Council's website.

Changes in Principles and Procedures

Jack R Herman
Executive
Secretary

Review of the Procedures

The Council has been reviewing all of its procedures for the handling of complaints, and the revised procedures have been posted to the Council's website, <http://www.presscouncil.org.au/pcsite/complaints/process.html>. In particular it has altered the way in which it will handle adjudications after a Council meeting. Adjudications will be sent to complainants and publications within five working days of the Council decision. Parties are now notified that any request for a review of a finding, including the reasons for that request, which are limited to a material error of fact, or a demonstrable procedural unfairness, needs to be received by the Council within two weeks of the despatch of the adjudication. The initial printing date for adjudications by the cited publications will now be at the end of that two-week period.

Other Procedural matters

Electronic archives

The Council and News Limited have been discussing several issues related to how newspapers might better respond to Press Council complaints and adjudications. A couple of concrete steps have already been taken: in reporting a recent adjudication, *The Courier-Mail* highlighted in its *For the Record* column the publication elsewhere in its pages of a recently issued adjudication concerning the newspaper. *For the Record* is intended as a permanent segment eventually to be published in all News Limited publications where apologies, clarifications, corrections and other follow-ups will be published. Additionally, News Limited is using its digital archives to highlight adjudications, corrections and clarifications. For example, *The Mercury*, Hobart, has added to its record of an article that was the subject of an adjudication a link to that adjudication. Such links will ensure that, when journalists use the file copies of such stories as the basis for further articles, they are aware of the processing and outcome of Council complaints.

Another step being investigated is a reference to the Press Council in the publication of any material follow-up published as a result of the Council's mediation processes. In one recent case, a clarification was preceded by: "As a result of the intervention of the Press Council ..."

The Council will seek to have these initiatives taken up by other publishers.

Guidelines

Describing "asylum seekers"

In October, the Australian Press Council updated its guideline on "asylum seekers", replacing General Press Release 262 with the attached guide. In February it updated its Guideline on alteration of photographs and later issued a new Guideline on the appropriate terminology to be used to describe World War Two death camps.

The Council issues guidelines from time to time. These are, in essence, amplifications on particular issues arising from the Council's Statement of Principles. The guidelines apply the Principles to the practice of reporting and are intended to guide the press on how it should report certain matters. These guidelines are not intended to be prescriptive instructions to the press but act as a series of advisories on the application of the Principles that the Council seeks the co-operation of editors in maintaining. A list of the extant guidelines (and links to them) can be found on the Council's website at <http://www.presscouncil.org.au/pcsite/activities/gprguide.html>.

The Council has from time to time received complaints about the terminology used to describe people who arrive in Australia through means other than regulated immigration and visa transit processes. They are often referred to by the press and others as "illegal immigrants", "illegal boatpeople" and so on - or simply as "illegals". The descriptor "illegal(s)" is very often inaccurate and typically connotes criminality.

The press has, by and large, abided by the Council's 2004 Guideline about the use of inaccurate and derogatory terminology to describe such people.

Parties are now notified that any request for a review of a finding, including the reasons for that request, which are limited to a material error of fact, or a demonstrable procedural unfairness, needs to be received by the Council within two weeks of the despatch of the adjudication.

Guidelines

Having considered the matter further, the Council believes that the term “asylum seeker” is a widely understood descriptor, generally a fair and a sufficiently accurate one, and one which avoids the kinds of difficulties outlined above. The Council recommends its use as the default terminology in relevant headlines and reports both by the press and others.

Digital alteration of images (revised February 2010)

The Australian Press Council occasionally receives complaints that pictures accompanying news or feature articles have been altered in some way. This practice is not new but changes in technology have made it easier to carry out. These techniques have also made recognition of alterations more difficult.

The use of significantly altered or enhanced images in magazines has also become more frequent, with complaints to the Press Council of significantly altered images or the blending of multiple images being used in a way that misleads readers.

The Council believes that a publication that uses a significantly altered picture that purports to illustrate the news (whether it be on the cover or in the body of the publication) should disclose in the picture caption or in a prominent position in the same edition the fact of that alteration. The form of the disclosure can be left to the editor of the publication to determine but it should be sufficient to bring the fact of the alteration to the notice of readers, so that none is misled as to the provenance of the image. If this is done properly, the Council would not normally entertain a complaint about the alteration.

In adjudicating a complaint (Adjudication No. 679) some years ago, the Council, in ruling on the use of file photographs to illustrate a story, made the comment, “Readers’ rights to be informed accurately could be served by greater care in the wording of captions to such photos taken from library files or, at the very least, by a notation, such as ‘file photo’, to describe their nature more accurately.”

The Council believes a notation of similar wording accurately describing the significant alteration of a picture or the creation of a montage of different images would normally be sufficient for a publication to meet its ethical requirements.

Describing World War Two death camps

The Australian Press Council has from time to time received complaints about the terminology used to describe World War Two Nazi death camps that were situated in occupied Poland.

In May 1999, in Adjudication No. 1025, the Council upheld a complaint about the use of the term “Polish concentration camp” to describe them. The Council noted in that finding that such usage “would have been harmfully misleading to younger readers and others whose knowledge of the Second World War is hazy or non-existent”.

The Council has now received a joint request from the Ambassadors to Australia of the Republic of Poland and the State of Israel that the media generally cease using the misleading term “Polish concentration camp”, which they say is harmful to both communities in Australia and adversely impacts on Polish-Jewish relations in general.

In response to their request, the Press Council reiterates its conclusion from 1999 and seeks the cooperation of the print media in avoiding the potentially offensive terminology. A more accurate and appropriate description for the camps would be “Nazi concentration camps”, adding their location as being “in occupied Poland” where necessary.

The current Statement of Principles follows, together with the Privacy Standards for the Print Media and a summary of the Council’s Complaints Procedures. The principles are posted on the Council’s website at:

<http://www.presscouncil.org.au/pcsite/complaints/sop.html>;

the Standards are at:

http://www.presscouncil.org.au/pcsite/complaints/priv_stand.html; and

the Complaints Procedures are at:

<http://www.presscouncil.org.au/pcsite/complaints/process.html>.

A more accurate and appropriate description for the camps would be “Nazi concentration camps”, adding their location as being “in occupied Poland” where necessary.

Statement of Principles

To assist the public and the press, the Australian Press Council has laid down the broad principles to which it is committed.

First, the freedom of the press to publish is the freedom, and right, of the people to be informed. These are the justifications for upholding press freedom as an essential feature of a democratic society. This freedom includes the right to publish the news, without fear or favour, and the right to comment fairly and responsibly upon it.

Second, the freedom of the press is important more because of the obligation it entails towards the people than because of the rights it gives to the press. Freedom of the press carries with it an equivalent responsibility to the public. Liberty does not mean licence. Thus, in dealing with complaints, the Council will give first and dominant consideration to what it perceives to be in the public interest.

The Council does not lay down rules by which publications should govern themselves. However, in considering complaints, the Council will have regard for these general principles.

1. Publications should take reasonable steps to ensure reports are accurate, fair and balanced. They should not deliberately mislead or misinform readers either by omission or commission.
2. Where it is established that a serious inaccuracy has been published, a publication should promptly correct the error, giving the correction due prominence.
3. Where individuals or groups are a major focus of news reports or commentary, the publication should ensure fairness and balance in the original article. Failing that, it should provide a reasonable and swift opportunity for a balancing response in an appropriate section of the publication.
4. News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such.
5. Information obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an over-riding public interest.
6. Publications are free to advocate their own views and publish the bylined opinions of others, as long as readers can recognise what is fact and what is opinion. Relevant facts should not be misrepresented or suppressed, headlines and captions should fairly reflect the tenor of an article and readers should be advised of any manipulation of images and potential conflicts of interest.
7. Publications have a wide discretion in publishing material, but they should balance the public interest with the sensibilities of their readers, particularly when the material, such as photographs, could reasonably be expected to cause offence.
8. Publications should not place any gratuitous emphasis on the race, religion, nationality, colour, country of origin, gender, sexual orientation, marital status, disability, illness, or age of an individual or group. Where it is relevant and in the public interest, publications may report and express opinions in these areas.
9. Where the Council issues an adjudication, the publication concerned should publish the adjudication, promptly and with due prominence.

Notes on the Principles

- 1 For the purposes of these principles, 'public interest' is defined as involving a matter capable of affecting the people at large so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or to others.
- 2 The Council interprets "due prominence" as requiring the publication to ensure the retraction, clarification, correction, explanation or apology has the effect, as far as possible, of neutralising any damage arising from the original publication, and that any published adjudication is likely to be seen by those who saw the material on which the complaint was based.

Print Media Privacy Standards

Underlying Principles

Principle 3 of the Press Council's Statement of Principles states, with respect to privacy:

Readers of publications are entitled to have news and comment presented to them honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy should not prevent publication of matters of public record or obvious or significant public interest.

The need to balance respect for privacy with standards that recognise freedom of speech and of the press is recognised by the *Privacy Act* 1988. The *Privacy Act* provides an exemption for acts done or practices engaged in by a media organisation in the course of journalism, if the media organisation is publicly committed to observing standards that deal with privacy in the context of the activities of a media organisation, and those standards have been published in writing either by the organisation or a body representing a class of media organisations.

These Standards deal with privacy in the context of the activities of media organisations. They elaborate on the Press Council's Statement of Principles, and are published by the Press Council for the purposes of the *Privacy Act* exemption.

Application of these Standards

These Standards apply to '*personal information*', which is information or an opinion (including forming part of a database) whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent or can reasonably be ascertained from the information.

These Standards also recognise, as does the *Privacy Act*, that the media have a duty to inform the public on matters of significant public interest. For the purposes of these Standards, '*public interest*' is defined as involving a matter capable of affecting the people at large so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or to others.

The media organisations, and the relevant publications, which are committed to these Standards are listed in the Schedule found on the Council's website.

1. Collection of personal information

In gathering news, journalists should seek personal information only in the public interest.

In doing so, journalists should not unduly intrude on the privacy of individuals and should show respect for the dignity and sensitivity of people encountered in the course of gathering news.

In accordance with Principle 4 of the Council's Statement of Principles, news obtained by unfair or dishonest means should not be published unless there is an overriding public interest. Generally, journalists should identify themselves as such. However, journalists and photographers may at times need to operate surreptitiously to expose crime, significantly anti-social conduct, public deception or some other matter in the public interest.

Public figures necessarily sacrifice their right to privacy, where public scrutiny is in the public interest. However, public figures do not forfeit their right to privacy altogether. Intrusion into their right to privacy must be related to their public duties or activities.

2. Use and disclosure of personal information

Personal information gathered by journalists and photographers should only be used for the purpose for which it was intended.

A person who supplies personal information should have a reasonable expectation that it will be used for the purpose for which it was collected.

Some personal information, such as addresses or other identifying details, may enable others to intrude on the privacy and safety of individuals who are the subject of news coverage, and their families. To the extent lawful and practicable, a media organisation should only disclose sufficient personal information to identify the persons being reported in the news, so that these risks can be reasonably avoided.

3. Quality of personal information

A media organisation should take reasonable steps to ensure that the personal information it collects is accurate, complete and up-to-date.

Privacy standards

4. Security of personal information

A media organisation should take reasonable steps to ensure that the personal information it holds is protected from misuse, loss, or unauthorised access.

5. Anonymity of sources

All persons who provide information to media organisations are entitled to seek anonymity. The identity of confidential sources should not be revealed, and where it is lawful and practicable, a media organisation should ensure that any personal information which it maintains derived from such sources does not identify the source.

6. Correction, fairness and balance

In accordance with Principle 8 of the Council's Statement of Principles, where individuals are singled out for criticism, the publication should ensure fairness and balance in the original article. Failing that, the media organisation should provide a reasonable and swift opportunity for a balancing response in the appropriate section of the publication.

A media organisation should make amends for publishing any personal information that is found to be harmfully inaccurate, in accordance with Principle 2 of the Council's Statement of Principles. The media organisation should also take steps to correct any of its records containing that personal information, so as to avoid a harmful inaccuracy being repeated.

7. Sensitive personal information

In accordance with Principle 7 of the Council's Statement of Principles, media organisations should not place any gratuitous emphasis on the categories of sensitive personal information listed in Principle 7, except where it is relevant and in the public interest to report and express opinions in these areas.

Members of the public caught up in newsworthy events should not be exploited. A victim or bereaved person has the right to refuse or terminate an interview or photographic session at any time.

Unless otherwise restricted by law or court order, open court hearings are matters of public record and can be reported by the press. Such reports need to be fair and balanced. They should not identify relatives or friends of people accused or convicted of crime unless the reference to them is necessary for the full, fair and accurate reporting of the crime or subsequent legal proceedings.

8. Complaints

The Council will receive and deal with complaints from person or persons affected about possible breaches of these Standards in the same way as it receives and deals with complaints about possible breaches of its Statement of Principles. Where the Council issues an adjudication in relation to these Standards, the publication concerned must prominently print the adjudication.

These procedures apply to those media organisations listed in the Schedule on the Council's website.

Complaints Procedure

If you have a complaint about material in a newspaper or other commercial periodical (or the news reporting on a website of a Council member or on a website that recognises the Council's jurisdiction) and that material appears to breach the Council's Principles or Privacy Standards, you should first take it up with the editor, or other senior representative, of the publication concerned.

If the complaint is not resolved to your satisfaction, and it involves the editorial or article sections of a periodical or website (and does not deal with advertising or the commercial operations of the publication), you may refer it to the Australian Press Council. A complaint must be specific, in writing, and accompanied by a cutting, hardcopy print, clear photostat, *pdf* or *html* attachment of the matter complained of, with supporting documents or evidence, if any. Complaints must be lodged within 60 days of initial publication. The Council provides a complaint form for complainants to use.

The Council asks that complainants summarise the main thrust of their complaints in about 300 words, and then supply other supporting material that will assist the Council in understanding all their concerns.

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

On receipt of the complaint, the Council secretariat will first try to arrange an amicable settlement of the matter. Over 45 per cent of complaints are settled in this way at an early stage of the process.

If such a settlement is not possible, and the complaint is accepted, a formal response from the publication will be sought and sent to the complainant. If not satisfied by the response, the complainant can, with the agreement of the newspaper, enter a conciliation hearing conducted by a Public Member of the Council or can immediately refer the matter to the Press Council for adjudication.

If a matter is sent to the Council, the complainant and publication are encouraged to attend a meeting of the Complaints Committee which makes a recommendation to the Council on the matter. Such attendance can be in person or by teleconference. The Complaints Committee consists of seven members of the Council, with a majority of public members (including the Chairman).

The recently revised and reprinted guidelines on the complaints procedures are available in the form of a booklet and on the Council's website. They include information on the Council's preference that lawyers not be involved and on the very limited situations in which the Council will consider reviewing adjudications. The procedures were rewritten in early 2009 to simplify them and clarify the process.

Address complaints or inquiries to:

**The Executive Secretary
The Australian Press Council
Suite 10.02, 117 York Street
SYDNEY NSW 2000**
email: complaints@presscouncil.org.au
fax: (02) 9267 6826

For information or advice telephone **(02) 9261 1930** [outside Sydney: Free Call **(1800) 025 712**]

Information and advice is also available via the internet. The Council's website is at

<http://www.presscouncil.org.au>

The Council's email addresses are:

info@presscouncil.org.au or complaints@presscouncil.org.au

The booklet, *Objects, Principles and Complaints Procedures*, which also sets out the Privacy Standards for the Print Media, is available free from the office or through the website, where it is posted as a *pdf*.

Other Council activities

Jack R Herman

Administration and activities

At the July 2009 meeting, the Council endorsed by the required majority a change to its structure. This was given effect at the October 2009 meeting by requisite changes to the Constitution, to give effect to the changes:

That the Constitution be altered to give effect to the following:

That the Council consist of 15 members, of whom, in addition to the Independent Chair, 6 represent the contributing bodies of whom five are from industry bodies and one represents the MEAA, 6 are members of the public (from a panel), one is an independent editor member (from a panel), and one is an independent journalist member (from a panel); and

that the make-up of the five industry representatives in 2009-2010 is: one representing News Limited; one representing Fairfax media; one representing the magazine publishers; one alternating between WAN and AAP; and one alternating between APN News and Media, Community Newspapers of Australia and Country Press Australia.

These changes were detailed in General Press Release 286 (see page 49)

The effect is the reduction of the size of the Council from 22 to 15. Where there had previously been seven public members and an independent Chair on a 22-person Council, there will now be 7 representatives of the public on the smaller Council. The change has strengthened the proportion of public membership of the Council.

In order to give effect to the consequences of these decisions, and in the light of changes to the NSW *Associations Incorporations Act*, the Council agreed to further alterations to the Constitution at a General Meeting in March 2010. The revised Constitution of the Australian Press Council Inc, subsequently endorsed by the Department of Fair Trading, has been posted in full on the Council's website, <http://www.presscouncil.org.au/pcsite/about/const.html>

Funding review

In May 2010, the Chair prepared a paper outlining some options for future funding for discussion with the constituent bodies. The main proposals include a move to biennial funding, recovery over two years of most of the reduction in funding made last year at the height of the economic downturn, and a change in the proportion of funds provided to the Council by News Limited and Fairfax Media resulting from revision of the funding formula to better represent the reach of their respective online news sites. At the meeting of the Council's Funding Sub-Committee, the Constituent Bodies agreed to "rolling biennial" funding as outlined in the paper. The funding for the next two years would progressively restore about 60% of the cut made in the previous year. There would be a proportional decrease in the funding for News Limited and increases, proportionally, for Fairfax Media, ACP Magazines and APN News and Media.

As a result of that agreement a 2010-2011 Budget was adopted. The major changes included:

- An increase in the staffing budget to enable the employment of a full-time Director of Programs in 2010-2011. The position would have a wider range of responsibilities, including organisation of Council consultations with industry and the community; promotion of the Council; development of grant applications for funding; and supervision of the Council online and print publications. It would also coordinate research activities and the development of policy submissions.
- Increased provision for consultations with the community and the industry on issues of concern to the Council, particularly on the development of standards.

The Council also agreed to plan towards the establishment of a Director of Standards position in 2011-2012. This new position would coordinate a major three-year project to review the content and dissemination of its media standards (including the current Statement of Principles, privacy standards, guidelines, reports of adjudications and other material which expresses the Council's decisions on standards).

The effect is the reduction of the size of the Council from 22 to 15. Where there had previously been seven public members and an independent Chair on a 22-person Council, there will now be 7 representatives of the public on the smaller Council. The change has strengthened the proportion of public membership of the Council.

The funding for the next two years would progressively restore about 60% of the cut made in the previous year.

Admin and activities

The Executive Secretary again acknowledges the contribution made by the members of the Council's staff to the success of the Council's operations.

In 2009-2010, it averaged around 27 days between receipt and closing of those files that were dealt with other than by adjudication

Administration

The Secretariat is headed by the Executive Secretary who is responsible to the Council and, between meetings, to the Chair. The current Executive Secretary is Jack Herman who has been in the position since April 1994. He is assisted by Deborah Kirkman, the Office and Case Manager. Among her many roles, Deb is primarily responsible for the conciliation of complaints, once they have been accepted for processing. This year Deb again co-ordinated the Council's Case Studies Seminars at universities. These two positions remain full-time.

Andrea Hart was the assistant to the Executive Secretary at the start of the reporting year and Leta Webb joined the Council in September as part-time policy and research officer. This role included reviewing legislation and policy documents that have an impact on freedom of communication, freedom of the press and the public right to know and providing advice to the Council where comment and advocacy is needed.

Andrea left the Council after she was offered a position in the human resources industry. The Council has now employed Glenda Kelly in the role. Glenda acts as receptionist and office all-rounder on a three-days-a-week basis. Leta Webb retired to pursue other interests.

The Council has embarked on a number of initiatives aimed at strengthening its profile and engagement with the general public and the print media industry. As a result the staff structure has been reviewed and the Council will appoint in 2010-2011 a Director of Programs to lead the development and implementation of these initiatives. This new position is to be full-time, it has been widely advertised and, at the time of writing this report, the Council is currently interviewing candidates with a view to employing someone in late August.

The Executive Secretary again acknowledges the contribution made by the members of the Council's staff to the success of the Council's operations.

The Council office tries speedily to deal with inquiries from students. It receives many of these a week and makes its Library available to those who can get into the Sydney office. The Council's Internet site has facilitated easier access to information for many students and it is to this site that most are now directed in the first place.

Complaints about the ethical behaviour of newspapers and magazines continue to keep the office staff busy. At the time of writing, as it ends its thirty-fourth year, the Council has formally dealt with over 11,600 complaints, of which 4,702 have been mediated or otherwise settled to the satisfaction of the complainant. It has adjudicated nearly 2,150 of the complaints, issuing 1,460 adjudications, of which over 42.3 per cent have upheld the complaint in whole or part. Additionally it has sent out 289 press releases or reporting guidelines, published 34 annual reports and 88 issues of the APC News.

Complaints times

The Council has made it a priority to speed up the processing of complaints. In 2009-2010, it averaged around 27 days between receipt and closing of those files that were dealt with other than by adjudication (compared to 28 days the previous year). For complaints that went through the process to adjudication by the Council, the average time from receipt to adjudication (remembering that the Council meets every six-seven weeks) was 85.35 days (compared to 113.7 days in the previous year).

The Internet and the Council's website

The Council maintains a website (<http://www.presscouncil.org.au>) primarily as an information site, although it also allows for the submission of on-line complaints direct to the Council through a form available on that site. The site is searchable by keyword. The website now manages close to 1,500 separate files, and is linked to the AustLII database, which archives all Press Council adjudications, including early ones not yet posted to the website.

Council Meetings

The Council held seven Council meetings in Sydney in 2009-2010. As a budget measure it did not travel interstate for a Council meeting. In addition to the seven Complaints Committee meetings held in Sydney, in conjunction with the Council meetings, there was an additional Complaints Committee meeting held in Melbourne in June.

Visits and consultations

In his initial six months in the Chair, Professor Julian Disney talked to a wide range of industry and community leaders. In particular he met with senior print industry personnel. In particular he met with editors and senior staff of The Gympie Times, The Courier-Mail, The Herald Sun, The Age, The Daily Telegraph, The Australian, The Australian Financial Review, The Sydney Morning Herald, Cumberland Newspapers, The Border Mail, The Adelaide Advertiser, The West Australian and AAP. Many of these meetings also included the senior online editors.

In addition to presenting a number of the case studies seminars conducted by the Council during the year, the Council's Executive Secretary made a few presentations:

He addressed over 100 members of the Ryde Probus at its August meeting;

In September he gave a lecture to about 400 students at the University of Western Sydney on the current state of the print media industry and the workings of the Press Council; and

In late October he addressed a group of visiting Chinese journalists and editors on the last day of a two-week course held by UTS. The MEAA had also addressed delegates. He spoke (and answered questions) on the press, the Press Council and media self-regulation in Australia.

Visitors

During the year the Council received a number of visitors, including:

Jaelea Skehan from the Hunter Area Health Service, which manages the Mindframe Project mental health and suicide reporting research and policy. The organisation has a new Project Manager and is seeking to work more closely with the Council on promulgating guidelines for the press. Subsequently Marc Bryant, the Project Manager for the Mindframe initiative at the Hunter Institute for Mental Health, discussed with the Council office more specific current projects, especially R U OK Day.

The Hon Mr Justice Ralph Zulman, the Chair of the South Africa Press Appeals Panel, visited the office while in Sydney and met with outgoing Chair Ken McKinnon, incoming Chair Julian Disney and Executive Secretary Jack Herman. The parties discussed the different approaches taken by the South Africans, who operate with a Press Ombudsman and a legalistic appeals process, and the Australian Press Council.

Beati Josephi from Edith Cowan University discussed the Media for Democracy Monitor Project with the Council's Executive Secretary. The project aims to answer the question: do the media deliver what contemporary democracies require? It is interviewing media people in a range of western countries. Australia is the first one outside Europe to have these interviews conducted. Journalists and regulatory bodies are included amongst the interviewees.

Chris Conybeare from the Honolulu Community Media Council and the World Association of Press Councils came to the Council office during a recent stay in Sydney. He talked about the latest activities of his Council and of the WAPC (which is now largely comprised of African councils). The Australian Press Council was a founding member of WAPC, and the original Repository Council, but the Council withdrew in 1999. The next conference is in Kathmandu. Chris Conybeare is going to send information to the Council on the WAPC.

Brad Doppelt of the Columbia Journalism School interviewed the Executive Secretary as a part of his research on the Australian print media and circulation trends as compared to those in the US.

Louise Williams from the Australian Centre for Independent Journalism at UTS visited before going to Indonesia later in 2010 to work with the Indonesian Press Council. She spoke at length with the Executive Secretary about the different approaches and she borrowed a couple of the Australian Press Council's case studies to use with trainee journalists in Indonesia.

Admin and activities

Research

The Council is currently an industry partner on two Australian Research Council (ARC) Linkage Projects.

One is being coordinated by the University of South Australia, and also involves academics from the University of Wollongong, Griffith University, Bond University, Queensland University of Technology and the Hunter Area Health Service. Its theme is "Vulnerability and the news media: Investigating print media coverage of groups deemed to be vulnerable in Australian society, and the media's understanding of their status". The support is in the form of both cash and in-kind support.

The other, with the University of Sydney, will look at the development of standards to govern online news sites.

Prize and Case Studies

The Council's initiatives related to tertiary journalism courses continued in 2009-2010. As in previous years, the Council made a series of awards for outstanding scholarship (the Press Council Prize) through the various journalism departments and faculties at Australian tertiary institutions. The Council endowed a prize worth \$300 this year, either for outstanding achievement in a course directly related to the study of print journalism, particularly in the area of ethics, or for a particular piece of work in that area. The Council continued to offer the Case Studies seminars to university journalism departments and faculties, and members of the Council from the region concerned, by and large, presented them.

In 2009-2010, the Press Council Prize was offered to, or awarded at:

The University of Queensland, Sunshine Coast University, University of Southern Queensland, Bond University, the Queensland University of Technology, University of Sydney, University of Western Sydney, University of Technology Sydney, Charles Sturt University, Wollongong University, Newcastle University, University of South Australia, Edith Cowan University, Curtin University, the University of Tasmania and the University of Canberra

Publications

The Australian Press Council continued to publish and distribute:

- the Australian Press Council News, with articles of interest to the press and reports on the Council's activities; and
- an Annual Report .

Three issues of the newsletter were published in the reporting year and it will now continue as a thrice-yearly publication.

The Australian Press Council's thirty-third annual report, issued in October 2009, demonstrated that the Council has remained busy dealing with matters relating to maintenance of the capacity of the print media to report matters of public interest freely, fully and fairly. While there have been areas of improvement, particularly in the current review of Freedom of Information laws at the federal, state and territory level, the report detailed thirteen submissions made in 2008-2009 on issues such as protection of whistleblowers, secrecy laws, restrictions on reporting of sports news and the development of a national charter of rights.

Copies of the report remain available from the Press Council office and a pdf of it has been posted to the Council's website (<http://www.presscouncil.org.au/pcsite/pubs/ar33.pdf>)

A full list of the available publications follows on page xxx of the report.

Press Council publications are now sent by email to those who ask for delivery in that form.

The News is also provided to the Informit on-line publication site at RMIT for posting, as a part of its service. Informit has also made available back issues of the News.

General Press Releases

The Press Council issues press releases from time to time, some of which are guidelines on reporting. There were four releases issued in 2009-2010, including two new guidelines.

Admin and activities

GPRs

General Press Releases 2009-2010

Press Council reduces size

General Press Release No. 286

The Australian Press Council has decided to reduce the size of the Council from 22 to 15. The decision was made at the Council's July meeting in Sydney on July 30. Where there had previously been seven public members on a 22-person Council, there will now be 6 representatives of the public on the smaller Council.

The change strengthens proportionally the public membership of the Council.

The reduction to 15 will result in a Council comprising five industry members, a representative of the Media Entertainment and Arts Alliance, six public members, two independent journalist members (one of whom is a former editor) and an independent Chair.

A major impetus for the reform is the current economic downturn. The publishers who fund the Council sought budget cuts similar to those applied to their own budgets.

To reform and make its operations more efficient, the Council, which consists of representatives of the publishers, of journalists and of members of the public, and has members from every state in Australia, decided to reduce the size of the Council.

The Council's Chair, Professor Ken McKinnon, said that the new Council would come into effect in October, at the end of his nine years as Council Chair.

"Regrettably, the Council has had to make savings in its budget and the range of its operations but these will not unduly effect the work of the Council. The Council will place a greater emphasis on the speedy and effective resolution of complaints from readers about material in newspapers and magazines (and on their websites), a move the publishers have undertaken to support strongly."

Professor McKinnon concluded: "The Council's independent role in advising governments and advocating policies that will maximise the free flow of information to the public will continue to be an important aspect of the Council's on-going activities."

The Council's independent role in advising governments and advocating policies that will maximise the free flow of information to the public will continue to be an important aspect of the Council's on-going activities

Appointment of new Chair

General Press Release No. 287 (October 2009)

The Australian Press Council has announced the appointment of Professor Julian Disney as its new Chair, with his term commencing on December 1, 2009.

Julian Disney is currently a Professor in the Law Faculty of the University of New South Wales and Director of the Social Justice Project. He has a wide range of experience in the welfare sector and on various government advisory bodies.

Professor Disney will succeed Professor Ken McKinnon, who was appointed Chair of the Council in 2000.

The outgoing Chair, Professor McKinnon, served nine years as Chair of the Council and has greatly enhanced the Council's role and public profile.

"Professor McKinnon has extended the Council's reputation as a vigorous, independent advocate for newspaper readers and for the freedoms and responsibilities of the Australian press", said Council CEO Jack Herman.

In particular he led the Council's efforts to reform defamation law, an effort that saw the previous hodge-podge of eight separate laws harmonised in 2005. The harmonised defamation law not only unified the law across the country but greatly improved it by introducing pre-trial offers of amends procedures and by mandating that truth alone could be a defence.

Admin and activities

GPRs

Professor McKinnon has been active in other press freedom issues: a strong voice for moderating the excesses of federal anti-terrorism laws; seeking to ameliorate the torrent of suppression orders in state courts; and advocating a policy that would make asylum seekers more accessible to the media to tell their stories.

Additionally, Professor McKinnon has strengthened the Council complaints processes. The Council seeks to ensure that a free press is a responsible press and, under his leadership, the Council has been more diligent in seeking to find mediated settlements of complaints. He helped develop face-to-face mediations by Council members in their local area as a further alternate to adjudication of complaints. When complaints have been adjudicated he has led the Council to a more vigorous expression of condemnation when it is judged that a publication has been in breach of ethical principles.

Professor McKinnon's achievements have made the task of finding his successor all the more exacting.

Julian Disney's background suits him ideally to the task. He has been, variously, a Law Reform Commissioner, Coordinator of the Sydney Welfare Rights Centre, President of the Australian Council of Social Service, President of the International Council on Social Welfare, and Director of ANU's Centre for International and Public Law.

He is also the National Chair of Anti-Poverty Week and is the independent chair of the National Affordable Housing Summit and the Community Tax Forum.

His experience with such bodies, and in his various roles with government bodies, means that he has the knowledge and ability to lead the Council in both its roles: to preserve the traditional freedoms of the press from outside threats; and to ensure that the free press is responsible in its reporting and commentary.

Professor Disney said, "It is an honour to have been invited to become Chair of the Press Council. I am looking forward to working with other members to maintain and develop the important contributions to the interests of both the print media and the broader community that it has made under Professor McKinnon's outstanding leadership."

Professor McKinnon said he had greatly enjoyed working with the Press Council.

"Australia is fortunate to have not only a free but responsible press. The Council plays a vital role in maintaining this position, and provides a flexible and effective mechanism for dealing with complaints against newspapers at no cost to taxpayers", he said.

"The feeling of being involved in an important enterprise has made for a very satisfying Chairmanship.

"I wish the Professor Disney the same enjoyment and satisfaction in what is certainly a service to the public."

Describing "asylum seekers"

Guideline No. 288 (October 2009)

The Australian Press Council has updated its guideline on "asylum seekers", replacing General Press Release 262 with the attached guide. The Council issues guidelines from time to time. These are, in essence, amplifications on particular issues arising from the Council's Statement of Principles. The guidelines apply the Principles to the practice of reporting and are intended to guide the press on how it should report certain matters. These guidelines are not intended to be prescriptive instructions to the press but act as a series of advisories on the application of the Principles that the Council seeks the co-operation of editors in maintaining. A list of the extant guidelines (and links to them) can be found on the Council's website at <http://www.presscouncil.org.au/pcsites/activities/gprguide.html>.

The Council has from time to time received complaints about the terminology used to describe people who arrive in Australia through means other than regulated immigration and visa transit processes. They are often referred to by the press and others as "illegal immigrants", "illegal boatpeople" and so on - or simply as "illegals". The descriptor "illegal(s)" is very often inaccurate and typically connotes criminality.

The press has, by and large, abided by the Council's 2004 Guideline about the use of inaccurate and derogatory terminology to describe such people.

Having considered the matter further, the Council believes that the term "asylum seeker" is a widely understood descriptor, generally a fair and a sufficiently accurate one, and one which avoids the kinds of difficulties outlined above. The Council recommends its use as the default terminology in relevant headlines and reports both by the press and others.

Admin and activities

GPRs

Describing World War Two death camps

Guideline No. 289 (June 2010)

The Council issues guidelines from time to time. These are, in essence, amplifications on particular issues arising from the Council's Statement of Principles. The guidelines apply the Principles to the practice of reporting and are intended to guide the press on how it should report certain matters. These guidelines are not intended to be prescriptive instructions to the press but act as a series of advisories on the application of the Principles that the Council seeks the co-operation of editors in maintaining. A list of the extant guidelines (and links to them) can be found on the Council's website at <http://www.presscouncil.org.au/pcsite/activities/gprguide.html>.

The Australian Press Council has from time to time received complaints about the terminology used to describe World War Two Nazi death camps that were situated in occupied Poland.

In May 1999, in Adjudication No. 1025, the Council upheld a complaint about the use of the term "Polish concentration camp" to describe them. The Council noted in that finding that such usage "would have been harmfully misleading to younger readers and others whose knowledge of the Second World War is hazy or non-existent".

The Council has now received a joint request from the Ambassadors to Australia of the Republic of Poland and the State of Israel that the media generally cease using the misleading term "Polish concentration camp", which they say is harmful to both communities in Australia and adversely impacts on Polish-Jewish relations in general.

In response to their request, the Press Council reiterates its conclusion from 1999 and seeks the cooperation of the print media in avoiding the potentially offensive terminology. A more accurate and appropriate description for the camps would be "Nazi concentration camps", adding their location as being "in occupied Poland" where necessary.

Australian Press Council Publications

The Council produces a number of publications. Some more recent publications are available as *pdf* documents on the Council's website (<http://www.presscouncil.org.au>).

Publications available free on request

a. Annual Reports

Back issues of most are available from the Press Council office.

b. APC News

The *News* has been published quarterly 1989-2009 and is now thrice yearly. The *News from 1994* is available on the Council's website.

c. Booklets

There is currently one booklet in print: *No. 10: Aims, Principles and Complaints Procedure*

d. The Twentieth Anniversary Papers

Five booklets published from October-December 1996 to mark the twentieth anniversary of the Council:

1. *The reporting of suicide, particularly youth suicide*. The transcript of an invitation only roundtable discussion involving mental health professionals, carer groups and the media.
2. *Whither the Australian Press Council? The formation, function and future of the Council*. Deborah Kirkman's MA History thesis on the Council.
3. *The Australian Press Council Fellow 1995: Professor John Soloski*. The speeches given by the US defamation law reform expert during his trip to Australia in 1995.
4. *The Australian Press Council survey of complainants*. The complete report, with tables, of the Council's survey of complainants of 1988-9 to 1992-3.
5. *The Australian Press Council Fellow 1996: Professor Claude-Jean Bertrand*. The speeches given by the French expert on media ethics during his trip to Australia in 1996.

e. Occasional papers

1. *To Name or Not to Name*
2. *Ten Year Report 1987-1997*. Prof Flint's report of his 10 year's at the helm of the Council. Published with a speech on the media.
3. *1999 Australian Press Council Fellow*. David Robie's trip report and speeches.

Publications available for a small fee

News Print Media reports

2006 *State of the News Print Media in Australia* report. Online or \$6 (GST inclusive).

2007 *Supplement* is available on-line as a *pdf*.

2008 *State of the News Print Media in Australia* report. Online or \$6 (GST inclusive).

Proceedings of Press Council Seminars

[All prices include GST and postage within Australia; or sea-mail overseas.]

- a. *Freedom of the Press; Role of the Press Council* (Sydney 1986) - \$3
- b. *Australian Media In the 1990s* (Melbourne 1989) - out of print
- c. *Media Ownership; Defamation Laws* (Gold Coast 1989) - \$10
- d. *Race, Press, Freedom of Speech* (Perth 1990) - \$5
- e. *Defamation Law Reform - the Attorneys'-General Proposal* (Sydney 1990) - \$3.50
- f. *Press Ethics: Are There Any?* (Wollongong 1990) - \$3.50
- g. *Investigative Journalism: How Probing?* (Adelaide 1991) - \$5
- h. *The Press and Cultural Sensitivities* (Darwin 1992) - \$5
- i. *Privacy and the Press* (Melbourne 1993) - \$3.50
- j. *The Constitution and Freedom of Speech* (Corowa 1993) - \$3.50
- k. *Public Figures and the Press* (Toowoomba 1994) - \$6.
- l. *The Role and Responsibility of Country Newspapers* (Mount Gambier 1994) - \$4
- m. *Newspapers: A Voice For All?* (Hobart 1995) - \$4
- n. *The Back Page: the Press' Coverage of Sport* (Ballarat 1995) - \$4
- o. *Government Business and the Media* (Fremantle 1996) - \$4
- p. *The Role of the Press in the Reconciliation Process* (Cairns 1997) - \$4
- q. *The Regional Press, Privacy and the Press Council* (Bathurst 1997) - \$4
- r. *The Reporting of Gambling Issues* - 253 kB in *pdf* - (Melbourne 1998) - \$4
- s. *The Reporting of National Politics* - 380 kB in *pdf* - (Canberra 1998) - \$4
- t. *WAPC Oceania Conference* - 1.9 mB in *pdf* - (Brisbane 1999) - \$10
- u. *What is News?* - 488 kB in *pdf* - (Launceston, 1999) - \$5

Proceedings of a Seminar held jointly with the ACIJ

a. *Commercial Confidentiality v. the Public Right to Know* is available from the ACIJ (PO Box 123, BROADWAY NSW 2007) at \$15 each.

The Council

Jack R Herman

As is usually the case, there was movement in Council membership in the reporting year. The details are noted within each category of membership.

Chair

The Australian Press Council announced the appointment of Professor Julian Disney as its new Chair, with his term commencing on 1 December 2009. Julian Disney is currently a Professor in the Law Faculty of the University of New South Wales and Director of the Social Justice Project. He has a wide range of experience in the welfare sector and on various government advisory bodies.

Professor Disney will succeed Professor Ken McKinnon, who was appointed Chair of the Council in 2000. He will be the Council's seventh Chair since its inception in 1976.

A Press Release dealing with Professor McKinnon's contribution and Professor Disney's appointment was issued in December 2009 and can be found on page 49 of this report.

Public members

The Constitution restricts Public Members to three three-year terms. No public member retired during the year.

The Council appointed Cheryl Attenborough (Tasmania) and John Fleetwood (SA), both of whom have served two three-year terms, to an additional year of membership.

Industry members

The new roster of industry members means that there will no longer be a representative of the Regional Dailies and, thus, Bruce Morgan, Manager of the *Ballarat Courier* and a member since August 2007, retired.

News Ltd and Fairfax Media nominate one member each. Campbell Reid, the Group Editorial Operations Manager at News Ltd, will continue in his role as the member nominated by that company, but John Trevorrow, who has represented the Herald and Weekly Times since December 2007 will step down. Mr Trevorrow has, in any case, had recently left HWT to become editor in chief of Leader newspapers. Fairfax Publications nominated Phil McLean, the Group Executive Editor at Fairfax Media, as its representative on the restructured Council, with Mark Baker, the Senior Deputy Editor of *The Age*, Mebourne, as his alternate. That has seen the retirement of Peter Kerr, Executive Editor of Herald Publications, and his alternate, Leonie Lamont, as well as of Roslyn Guy, Opinion Editor at *The Age*. Mr Kerr was appointed in October 2008 and Ms Guy in June 2006.

Pacific Magazines nominated Linda Smith, editor of *that's life!* magazine as an alternate industry member of the Council. Ms Smith serves as the alternate to ACP's Pam Walkley, as the representative of the magazine publishers. Another industry alternate members is Sharon Hill, who has been an alternate member of the Council since 2001 and will continue to serve as Campbell Reid's alternate, representing News Limited.

Journalist members

There has been some reduction in the number of members of the Council as a result of the changes in Council structure. The panel of independent journalist members was reduced by one, when former member Bruce Baskett decided not to re-apply for appointment. Bruce had been a journalist member since July 2003.

The Council later in the reporting year gave a second three-year term to Prue Innes and to Warren Beeby.

Members of the Australian Press Council as at 30 June 2010

Independent Chair

Professor Julian Disney
University of NSW
Sydney

Public Members

Professor Hoong Phun Lee (Vice Chair)
Sir John Latham Professor of Law, Monash
University,
Melbourne.

Ms Cheryl Attenborough
Public servant
Hobart

Mr John Fleetwood
Manager, Employee Relations
Adelaide

Professor Ron Grunstein
Professor of Medicine,
Sydney.

Mr Brenton Holmes
Public servant
Canberra.

Ms Katherine Sampson
Managing Director, Mahlab Recruitment
Melbourne.

Ms Lisa Scaffidi
Company Director
Perth, WA.

Ms Melissa Seymour-Dearnness
Planning Legal Officer
Hervey Bay, Qld.

Independent Journalist Members

Mr Warren Beeby
Former Group Editorial Manager,
News Limited
Sydney.

Mr Gary Evans
Former Editorial Manager
Queensland Newspapers
Brisbane.

Ms Prue Innes
Freelance journalist
Melbourne.

Mr Adrian McGregor
Freelance journalist,
Brisbane.

Journalist member representing the MEAA

Mr Alan Kennedy
Federal President, Journalists' section, MEAA
Sydney.

Publishers' Representatives:

Representing

Mr Phillip Dickson *AAP*
Editorial Manager,
AAP,
Sydney.

Mr John Dunnet *Country Press Australia*
former Manager
The Courier
Narrabri, NSW.

Mr Bob Cronin *West Australian
Newspapers Ltd*
Editor in chief
The West Australian
Perth.

Mr Phil McLean *Fairfax Media*
Group Executive Editor
Fairfax Media,
Sydney.

Members of the Australian Press Council as at 30 June 2010

Mr Bob Osburn *Community Newspapers
of Australia*
Editor in chief
Cumberland Newspapers
Sydney.

Mr Peter Owen *APN*
Group Executive Editor
APN News and Media
Brisbane.

Mr Campbell Reid *News Limited*
Editorial Development Manager,
News Limited,
Sydney.

Ms Pam Walkley *ACP Magazines*
Editor in Chief
Money Magazine,
Sydney.

ALTERNATES

Mr Mark Baker *Mr McLean*
Senior Deputy Editor
The Age,
Melbourne

Ms Sharon Hill *Mr Reid*
Group Editorial Development Manager
Nationwide News
Sydney

Ms Linda Smith *Ms Walkley*
Editor
that's life!
Sydney

SUB-COMMITTEES

Note: The Chairman and Vice Chairman are *ex officio* members of all committees.

Complaints

The committee is appointed each month by the Chairman, after consultation with the Executive Secretary, from those members who have indicated a willingness to serve on the committee. Constitutionally, it must have a majority of public and ex-officio members.

Policy Development

J Disney (Chairman)
H P Lee (Deputy Chairman)
A Kennedy
C Reid
P McLean/M Baker
C Attenborough/L Scaffidi*
B Holmes/M Seymour-Dearness*
G Evans/ W Beeby*

*These members attend meetings alternatively

Administration

Jack R Herman - Executive Secretary
Deborah Kirkman - Office Manager/Case Manager
Glenda Kelly - Assistant to the Executive Secretary

Code of Ethics

Members of the Australian Press Council

1. Members commit to upholding and promoting the Principles of the Council professionally and personally.
2. While appointed to ensure that the views of the Australian press and a wide cross-section of the community are heard, members shall at all times act in the interests of a free press that serves the Australian public responsibly in accordance with the Council's principles.
3. Members will declare any business, professional or personal conflict of interest in a matter before Council, and will absent themselves from discussion.
4. Members will not use their membership of the Council for personal or professional advantage.
5. Members accept the personal commitment necessary to ensure the responsibilities of their position are fully met.

Council meetings 2009-2010

There were 8 Council meetings during the year, seven in Sydney. The Complaints Committee also met eight times, each the day before a Council meeting. Below are dates and venues of Council meetings.

August [inc Planning Days]	29 and 30 July 2009	Sydney
September	9 and 10 September 2009	Sydney
October	21 and 22 October 2009	Sydney
December	2 and 3 December 2009	Sydney
January	3 and 4 February 2010	Sydney
March	24 and 25 March 2010	Sydney
May	19 and 20 May 2010	Sydney

Elected and appointed officers of the Council

Chairs

The Rt Hon. Sir Frank Kitto, AC, KBE, PC	August 1976 - June 1982
Professor Geoffrey Sawer, AO	July 1982 - April 1984
The Hon. J H Wootten, AC, QC	August 1984 - December 1986
Professor David Flint, AM	January 1987 - October 1997
Professor Dennis Pearce, AO	November 1997 - October 2000
Professor Ken McKinnon, AO	December 2000 - November 2009
Professor Julian Disney, AO	December 2009 -

Vice-Chairs

Sir Louis Matheson	August 1976 - January 1977
Dorothy Ross, AM, OBE	August 1977 - September 1985
Prof David Flint, AM	October 1985 - January 1987
Dorothy Ross, AM, OBE	February 1987 - June 1997
Lange Powell	July 1997 - March 2004
Professor HP Lee	March 2004 -

Executive Secretaries

Arthur Heinrichs	August 1976 - December 1978
Lyle Cousland	January 1979 - December 1979
Colin McKay	January 1980 - October 1985
Jennifer Treleaven	September 1985 - March 1994
Jack R Herman	April 1994 -

Statement of Financial Position as at 30 June 2010

	2010 \$	2009 \$
ASSETS		
CURRENT ASSETS		
Cash and cash equivalents	365,589	337,511
Trade and other receivables	1,089	3,394
Other assets	<u>1,720</u>	<u>814</u>
TOTAL CURRENT ASSETS	<u>368,398</u>	<u>341,719</u>
NON-CURRENT ASSETS		
Property, plant and equipment	<u>35,540</u>	<u>45,077</u>
TOTAL NON-CURRENT ASSETS	<u>35,540</u>	<u>45,077</u>
TOTAL ASSETS	<u>403,938</u>	<u>386,796</u>
LIABILITIES		
CURRENT LIABILITIES		
Trade and other payables	14,089	18,804
Short-term provisions	<u>38,386</u>	<u>46,203</u>
TOTAL CURRENT LIABILITIES	<u>52,475</u>	<u>65,007</u>
NON-CURRENT LIABILITIES		
Other long-term provisions	76,335	72,657
TOTAL NON-CURRENT LIABILITIES	76,335	72,657
TOTAL LIABILITIES	128,810	137,664
NET ASSETS	275,128	249,132
EQUITY		
Retained earnings	275,128	249,132
TOTAL EQUITY	275,128	249,132

The Council and some members



The Council meeting room



Vice Chair, Professor H P Lee



Katherine Sampson



Brenton Holmes



John Fleetwood

Publishers' Statistics

as at 30 June 2010

The following statistics and information on them have been provided by the publishers of metropolitan newspapers and of other major groups.

The publishers of APN News and Media, Davies Brothers and the West Australian have not provided new statistics this year, so the Council has reprinted the material supplied in 2009.

Advertiser Newspapers Limited

Newspapers	Frequency	Ownership if not 100%	Circulation
The Advertiser	Mon-Fri		181,130
	Sat		252,640
Adelaide Magazine	Monthly		191,908
SA Weekend	Weekly		252,640
Sunday Mail	Weekly	*50%	300,526
City Messenger	Weekly		20,875
City North Messenger	Weekly		37,843
East Torrens Messenger	Weekly		35,157
Eastern Courier	Weekly		62,673
Guardian Messenger	Weekly		71,025
Hills and Valley Messenger	Weekly		19,585
Leader Messenger	Weekly		43,550
News Review Messenger	Weekly		95,562
Portside Messenger	Weekly		32,977
Southern Times Messenger	Weekly		60,510
Weekly Times Messenger	Weekly		66,079

*Remaining 50% held by News Limited

Acquisitions

Nil

Divestitures

Nil

Mergers

Nil

Major Owner

News Corporation

Company Directors

Mr. P.F. Wylie – Chairman

Mr. I. Davies – Managing Director

Mr. J.K. Hartigan

Mrs. P. MacLeod

Mr. P.J. Macourt

ACP Magazines Ltd

Magazines	Frequency	Ownership if not 100%	Circulation
4x4 Australia	Monthly		18,301
Austar	Monthly		290,100
Australasian Dirt Bike	Monthly		26,013
Australian Geographic	Quarterly		135,401
Australian Gourmet Traveller	Monthly		74,357
Australian House & Garden	Monthly		100,326
Australian Motorcycle News	Fortnightly		21,440
Australian Motorcycle Trader	13/Year		25,206
Australian Personal Computer	Monthly		32,191
Australian Women's Weekly	Monthly		502,441
Auto Action	Weekly		12,301
Belle	Bi-Monthly		33,049
Burke's Backyard	Monthly		59,230
Campertrailer Australia	Monthly		10,200
Caravan World	Monthly		12,753
Cleo	Monthly		128,183
Cosmopolitan	Monthly	50%	152,028
Deals On Wheels	13/Year		23,089
Disney Adventures	Monthly		28,624
Disney Girl	Monthly		24,530
Dolly	Monthly		140,382
Earthmovers & Excavators	13/Year		10,215
Empire	Monthly		24,175
Farms & Farm Machinery	13/Year		11,631
FHM	Monthly		50,167
Good Food	Monthly		80,838
Good Health	Monthly		64,216
Grazia	Weekly	50%	66,102
Harpers Bazaar	10/Year	50%	55,130
Madison	Monthly	50%	90,116
Money	Monthly		50,103
Motor	Monthly		35,311
Motorhome & Caravan Trader	13/Year		14,500
NW	Weekly		128,133
OK! Weekly	Weekly	50%	111,046
PC User	Monthly		42,177
People	Weekly		45,144
Real Living	Monthly		61,124
Recipes Plus	Monthly		127,000
Rolling Stone	Monthly		23,452
Rugby League Week	36/Year (season)		20,370
Shop Till You Drop	Monthly		83,047
Street Machine	Monthly		56,231
Take 5	Weekly		231,114
The Picture	Weekly		64,748
Top Gear	Monthly		75,310
Trade-A-Boat	13/Year		16,732
Trailer Boat	13/Year		13,100
TV Week	Weekly		210,467
Unique Cars	13/Year		54,571
Wheels	Monthly		56,625
Wine Magazine	Bi-Monthly		22,202
Woman's Day	Weekly		409,521
Zoo Weekly	Weekly		105,159

Major Owners

The publisher is ACP Magazines Ltd, 100% owned by PBL Media Pty Ltd.

ACP Management team

Ian Law - CEO PBL Media

Phil Scott - Publishing Director, Men's, Specialist and Custom Titles

Lynette Phillips, Publishing & Sales Director, Women's Lifestyle Titles

Louise Barrett - Director of Sales, Men's, Specialist and Custom Titles

Zara Curtis - Director of sales, Women's Lifestyle Titles

APN News and Media

Publication	Frequency	Circulation
NSW Regional Daily & Community Newspapers		
Tweed Daily News	M – F	4593
Tweed Daily News	SAT	5182
Gold Coast Mail	Weekly	27995
Tweed/Border Mail	Weekly	37989
The Northern Star, Lismore	M – F	14903
The Northern Star, Lismore	SAT	23164
Byron Shire News	Weekly	16815
Richmond River Express Examiner	Weekly	12619
Ballina Shire Advocate	Weekly	16735
Northern Rivers Echo	Weekly	22413
The Rivertown Times	Monthly	2711
Northern Farmer Bulletin	Monthly	17452
The Daily Examiner, Grafton	M – F	5596
The Daily Examiner, Grafton	SAT	6397
Coastal View	Weekly	17043
The Coffs Coast Advocate	M/Tu/Th/F	3293
The Coffs Coast Advocate	W/SAT	31194
Woolgoolga Advertiser	Weekly	7400
Daily Mercury	M – F	16369
Daily Mercury,	SAT	20120
Mackay & Sarina MidWeek	Weekly	31511
Miners MidWeek	Weekly	5044
Whitsunday Times	Weekly	7098
Rural Weekly (Nth CQ edit)	Weekly	16528
The North West Star	M - F	3374
North West Country	Monthly	4250
The Morning Bulletin	M – F	18024
The Morning Bulletin	SAT	24569
Rockhampton & Fitzroy News	Weekly	27349
Capricorn Coast Mirror	Weekly	11440
Rural Weekly (CQ edit)	Weekly	26004
Central Telegraph	Weekly	3587
Blackwater Herald	Weekly	1484
Central Qld News	Wed/Fri	4813
The Observer	M – F	7169
The Observer	SAT	9770
Port Curtis Post	Weekly	14505
NewsMail	M – F	11220
NewsMail	SAT	16190
Guardian	Weekly	27033
Rural Weekly (Wide Bay edit)	Weekly	25506
Isis Town & Country	Weekly	1768
The Kolan Recorder	Monthly	2400
Central & North Burnett Times	Weekly	3180
South Burnett Times	Tues/Fri	6895
Fraser Coast Chronicle, Hervey Bay	M – F	9594
Fraser Coast Chronicle, Hervey Bay	SAT	11294
Hervey Bay Observer	Weds/Fri	21009
The Maryborough Herald	Weekly	11723
The Gympie Times	Tu – F	5611
The Gympie Times	SAT	8670
Cooloola Advertiser	Weekly	11551
Sunshine Coast Daily	M – F	22025
Sunshine Coast Daily	SAT	34964
Sunshine Coast Sunday	Weekly	13697
Maroochy Weekly	Weekly	16101
Caloundra Weekly	Weekly	18269
Nambour Weekly	Weekly	9101
Buderim Weekly	Weekly	14158

APN stats	Buderim Chronicle	Weekly	17047	
	Bribie Weekly	Weekly	11181	
	Island & Mainland News	Weekly	11314	
	Noosa News	Tue/Fri	22325	
	Coolool & North Shore News	Weekly	11753	
	Caboolture News	Weekly	33734	
	Caloundra City News	Fortnightly	30112	
	The Range News	Weekly	14443	
	The Queensland Times, Ipswich	M – F	10961	
	The Queensland Times, Ipswich	SAT	14502	
	The Ipswich Advertiser	Weekly	34475	
	The Satellite	Weekly	49926	
	The Reporter	Weekly	66270	
	Big Rigs (dist. Nationally)	Fortnightly	27334	
	The Chronicle, Toowoomba	M – F	23225	
	The Chronicle, Toowoomba	SAT	31096	
	Toowoomba's Mail	Weekly	35772	
	Rural Weekly (Sth edit)	Weekly	46145	
	Warwick Daily News	M – F	3261	
	Warwick Daily News	SAT	3476	
	Warwick & Southern Downs Weekly	Weekly	10063	
	Dalby Herald	Tue/Fri	2518	
	Northern Downs News	Weekly	6000	
	Gatton, Lockyer & Brisbane Valley Star	Weekly	19560	
	The Stanthorpe Border Post	Tue/Thur	2531	
	Balonne Beacon	Weekly	1456	
	The Western Star	Tue/Fri	2471	
	Western Times	Weekly	1935	
	Chinchilla News & Murilla Advertiser	Weekly	4142	
	Surat Basin News	Quarterly	12500	
	Magazines			
	CityLife Tropical North Qld	Monthly	11024	
	CityLife Townsville	Monthly	11040	
	CityLife Mackay & The Whitsundays	Monthly	11549	
	style – North (joint venture)	Monthly	60000	
	style – South (joint venture)	Monthly	50000	
	style – West (joint venture)	Monthly	50000	
	style – Bayside (joint venture)	Monthly	50000	
	style – Gold Coast (joint venture)	Monthly	50000	
	APN Educational Media			
	Nursing Review	Monthly	18374	
	Campus Review	Fortnightly	3102	
	- Online version	Weekly	5000 (approx)	
	Education Review	8 issues per year	16035	
	Insite	Bi-monthly	9580	
	Smart State Magazine	Annual	15000	
	APN Board of Directors			
	Gavin O'Reilly - Chairman			
Albert E Harris, AC - Deputy Chairman				
Brendan Hopkins - Chief Executive				
Donal Buggy				
Pierce Cody				
Peter M Cosgrove				
Vincent Crowley				
Kevin J Luscombe, AM				
John Maasland				
Cameron O'Reilly				

Cumberland Newspaper Group

Publication	Publication Schedule	Audited Circulation
Blacktown Advocate	Weekly	51,400
Canterbury-Bankstown Express	Weekly	74,119
Central	Weekly	38,732
Central Coast Express Advocate	Bi-weekly	244,577
Fairfield Advance	Weekly	56,116
Hills Shire Times	Weekly	64,872
Hornsby and Upper North Shore Advocate	Weekly	51,450
Inner West Courier	Bi-weekly	166,322
Liverpool Leader	Weekly	58,271
Macarthur Chronicle	Weekly	76,166
Mt Druitt-St Marys Standard	Weekly	44,210
NINE TO FIVE	Weekly	40,116
North Shore Times	Bi-weekly	133,339
Northern District Times	Weekly	58,337
Northside	Weekly	59,929
Parramatta Advertiser	Weekly	82,656
Penrith Press	Bi-weekly	109,683
Rouse Hill Times	Weekly	18,410
Southern Courier	Weekly	47,091
The Manly Daily	Daily	92,590
The Mosman Daily	Weekly	36,364
Village Voice - Balmain	Monthly	15,000
Wentworth Courier	Weekly	47,554

Ceased publication

The Village Voice Drummoyne.

Acquisitions

Nil

Divestitures

Nil

Major Owner

Cumberland Newspapers is a division of Nationwide News Pty Ltd, which is a wholly-owned subsidiary of News Limited.

Company Directors

Keith Brodie
 Mark Elgood
 Geoffrey Booth
 Peter Jourdain
 Peter Macourt
 Stephen Rue
 Jason Scott
 Nicolas Leeder
 Grant Galvin
 Michael Miller
 John Webster.

Davies Brothers Pty Limited

Newspapers	Frequency	Circulation
Mercury, Hobart	Mon-Fri	45,399
Saturday Mercury	Saturday	61,173
Sunday Tasmanian	Sunday	58,682
Tasmanian Country	Weekly Rural	16,737
The Gazette	Regional Weekly	2,261

Magazines

Various magazines and periodicals published as Agents for The Herald & Weekly Times Pty Ltd, John Fairfax Group, David Syme & Co (The Age), Mirror-Australian-Telegraph Publications.

Major Shareholder

The Herald & Weekly Times Pty Limited

Ultimate Beneficial Owner

News Limited

Company Directors

R. F. Gardner - Chief Executive

P. J. Gibson – Chief Financial Officer

P. W. Jourdain – Company Secretary

K. J. Riddle – Group Management Accountant

Fairfax Media

Publication	Frequency	Ownership	Circulation
NSW and ACT Metropolitan Publishing			
The Sydney Morning Herald		(207,013 weekdays / 359,200 Saturdays)	
The Sun-Herald			(446,710)
The Canberra Times		(32,706 / 54,289 / 33197 Sundays)	
Fairfax Community Newspapers (NSW), Hunter and Illawarra Regional Publishing			
The Herald – Newcastle			(49,300)
Illawarra Mercury			(27,057)
Central Coast Sun Weekly			
Lakes Mail			
Lake Macquarie Star			
Newcastle Star			
Port Stephens Examiner			
Wollongong Advertiser			
Auburn Review			
Bankstown-Canterbury Torch			
Blacktown City Sun			
The Campbelltown Macarthur Advertiser			
Camden Advertiser			
Cooks River Valley Times			
Fairfield City Champion			
Hills News			
Holroyd Sun			
Liverpool City Champion			
Parramatta Sun			
Penrith City Star			
Rouse Hill-Stanhope Gardens News			
St George & Sutherland Shire Leader			
St Mary's Star			
South Western Advertiser			
Wollondilly Advertiser			
ACT Community and Regional Publishing			
The Chronicle			
Publoc Sector Informant			
The Queanbeyan Age			
New South Wales Regional Publishing			
Armidale Express			
Armidale Express Extra			
Armidale: InTune Magazine			
Batemans Bay Post/Moruya Examiner			
Bathurst Western Advocate			(3743)
Bathurst Western Times			
Bega District News			
Bellingen Shire Courier Sun			
Blayney Chronicle			
Blue Mountains Gazette			
Blue Mountains Wonderland			
Bombala Times			
Boorowa News			
Border News			
Bowral :Highlands Post			
Bowral: Property Press			
Bowral: Southern Highland News			

Fairfax stats (including Rural Press)	Braidwood Tallaganda Times	
	Camden Haven Courier	
	Canowindra News	
	Central Western Daily, Orange	(4966)
	Cessnock Advertiser	
	Cobar Age	
	Coffs Harbour Independent	
	Coleambally: Colypoint Observer	
	Colour World	
	Cooma Monaro Express/Jindabyne Summit Sun	
	Cootamundra Herald	
	Country Leader	
	Cowra Guardian	
	Crookwell Gazette	
	Daily Liberal, Dubbo	(5301)
	Dubbo Daily Liberal	
	Dubbo Mailbox Shopper	
	Dungog Chronicle	
	Eastern Riverina Observer	
	Eden Imlay Magnet	
	Eurobodalla Shire Independent	
	Eurobodalla TV Guide	
	Express Extra	
	Forbes Advocate	
	Gilgandra Weekly	
	Glen Innes Examiner	
	Gloucester Advocate	
	Goodiwindi Argus	
	Goulburn Post	
	Goulburn: The Post Weekly	
	Great Lakes Advocate	
	Grenfell Record	
	Griffith: The Area News	
	Guyra Argus	
	Harden Murrumburrah Express	
	Hastings Gazette	
	Hawkesbury Courier	
	Hawkesbury Gazette	
	Henty: Eastern Riverina Chronicle	
	Hunter Valley News	
	Hunter Valley Town + Country	
	Junee: Southern Cross	
	Inverell Times	
	Leeton: The Irrigator	
	Lightning Ridge News	
	Lithgow Mercury	
	Macksville: Midcoast Observer	
Macleay Argus		
Macleay Valley Happynings		
Mailbox Shopper		
Maitland: Lower Hunter Star		
Maitland Mercury	(4230)	
Manning Great Lakes Extra		
Manning River Times		
Merimbula News Weekly		
Midcoast Happenings		
Midstate Observer		
Moree Champion		
Moruya Examiner		
Mudgee Guardian		
Mudgee Weekly		
Muswellbrook Chronicle		
Nambucca Guardian News		
Nambucca Heads: Hibiscus Happynings		
Narooma News		
Narromine News		
News of the Area		
Newsweekly		

North Coast SeniorLifestyle		Fairfax stats (including Rural Press)
North Coast Town + Country Magazine		
Northern Daily Leader	(7559)	
Nowra: Shoalhaven + Nowra News		
Nowra: South Coast Register		
Nyngan Observer		
Oberon Review		
Parkes Champion Post		
Port Macquarie Express		
Port Macquarie News		
Port Macquarie: Hastings Happenings		
Sapphire Coaster		
Scone Advocate		
Shoalhaven and Nowra News		
Singleton Argus		
Snowy Times		
South Coast Register		
South Coast Senior Lifestyle		
South Coast Weekly		
South East Town + Country		
Southern Weekly Magazine		
Summit Sun		
Sussex Inlet Times		
Tallaganda Times		
Tamworth Times		
Tea Gardens/Hawks Nest: NOTA		
Tenterfield Star		
The Australian Senior		
The Magnet		
The Rural		
Thornton: Weekend Hunter Star		
Town & Country		
Ulladulla: Milton Ulladulla Times		
Upper Hunter TV Guide		
Wauchope: Hastings Gazette		
Wagga Wagga: Daily Advertiser	(12,390)	
Wagga Wagga: Weekend Advertiser		
Wagga Wagga: The Rural		
Wagga Wagga: The Riverina Leader		
Walcha News		
Warren Advocate		
Wellington Times		
Western Times		
Western Magazine		
Wingham Chronicle		
Yass Tribune		
Young Witness		
Victoria Metropolitan and Community Publishing		
The Age	(197,500 / 279,900)	
The Sunday Age	(224,600)	
Fairfax Community Network – Victoria		
Banyule and Nillumbik Weekly		
Brimback Weekly		
Casey Weekly - Berwick		
Casey Weekly - Cranbourne Norther		
City Weekly		
Frankston Weekly		
Greater Dandenong Weekly		
Hobson Weekly		
Hobson Weekly - Williamstown		
Hume Weekly		
Knox Weekly		
Macedon Ranges Weekly		
Maribyrnong Weekly		
Maroondah Weekly		
The Melbourne Times Weekly		

Fairfax stats (including Rural Press)	Melbourne Weekly	
	Melbourne Weekly Bayside	
	Melbourne Weekly Eastern	
	Melbourne Weekly Port PhillipNorthern Weekly	
	Melton Weekly	
	Monash Weekly	
	Moonee Valley Weekly	
	Moorabool Weekly	
	Northern Weekly	
	North West Weekly	
	Pakenham Weekly	
	Peninsula Weekly - Mornington	
	Point Cook Weekly	
	Sunbury Weekly	
	Western Port Trader	
	Western Port Weekly	
	Wyndham Weekly	
	Yarra Ranges Weekly	
	Holiday magazine	
	Regional Publishing, Southern and Western	
	<i>Victoria Publishing</i>	
	Ararat Advertiser	
	Ballarat Courier	(18,860)
	Ballarat News	
	Bendigo Advertiser	(14,196)
	Bendigo Miner	
	Colac Extra	
	Corangamite Extra	
	Country Mail – Albury/Wodonga	
	Gippsland Farmer	
	Gippsland Times	
	Hepburn Shire Advocate	
Latrobe Valley Express		
Moe & Narracan News		
Morwell Press Centre		
Stawell Times News		
The Border Mail, Albury/Wodonga	(24,729)	
The Express – Albury/Wodonga		
The Great Southern Tourist News - Victoria		
The Moyne Gazette		
The Warrnambool Extra		
The Warrnambool Standard	(12,980)	
Traralgon Journal		
Wimmera Mail Times		
<i>Tasmania: Launceston Publishing</i>		
East Coast & Diary News		
Launceston Advertiser		
Launceston Examiner	(33,609)	
Meander Valley News		
Northern Midlands Community News		
Sunday Examiner, Tasmania	(41,434)	
Tamar Community Times		
Tasmanian Independent Publishing		
Tasmanian Travelways		
<i>Tasmania: Burnie Publishing</i>		
Central Coast Times, Burnie		
Devonport Times		
The Advocate, Burnie	(23,488)	
Western Herald, North West Tasmania		
<i>South Australia Publishing</i>		
Barossa and Light Herald		
Eyre Peninsula Tribune, Cleve		

Flinders News, SA
 Murray Valley Standard
 On The Coast, Victor Harbor
 Port Lincoln Times
 Roxby Downs Sun
 The Islander, Kangaroo Island
 The Northern Argus, Clare Valley
 The Recorder, Port Pirie
 The Transcontinental, Port Augusta
 Victor Harbor Times
 West Coast Sentinel, Ceduna
 Whyalla News

Western Australia Publishing

Augusta Margaret River Mail
 Avon Advocate, Northam
 Bunbury Mail
 Busselton-Dunsborough Mail
 Central Districts Advocate, Northam
 Collie Mail
 Donnybrook Bridgetown Mail
 Esperance Express
 Golden Mail, Kalgoorlie
 Harvey Mail
 Mandurah Mail
 Merredin-Wheatbelt Mercury
 Murray Mail
 Senior Post, WA
 The Wagin Argus
 Xpress Magazine, WA

Agricultural Publishing and Queensland Regional Publishing

National

Australasian Flowers
 Australian Cotton Outlook
 Australian Dairyfarmer
 Australian Farm Journal
 Australian Horticulture
 Australian Landcare
 Australian Nursery Manager
 Country Music Capital News
 Dairy Info. Guide
 Directory of Australian Country Music
 Flower Register
 Good Fruit + Vegetables
 Horse Deals
 Hortguide
 Irrigation and Water Resources
 Lotfeeding
 National GrapeGrowers and Vignerons
 Official Guide to Tamworth Country Music Festival
 Turfcraft

New South Wales

Farm Equipment Trader
 Farming Small Areas
 NSW Ag Today
 The Land

(52,624)

Queensland

North Queensland Register
 Queensland Country Life
 Queensland Grains Outlook
 Queensland Smart Farmer

Fairfax stats
 (including Rural
 Press)

Fairfax stats
(including Rural
Press)

South Australia

Smart Farmer
Stock Journal
The Grower

Victoria

Stock and Land

Western Australia

Farm Weekly
Ripe

Field Days and Events

Commonwealth Bank Ag-Quip
Elders FarmFest
Farming Small Areas Expo
Hunks and Spunks
Murrumbidgee Farm Fair
Northern and Southern Beef Weeks
NSW Beef Spectacular
Pro-Ag
Queensland Country Life Beef Week
Star Maker Quest
Tamworth Country Music Festival

Queensland Regional Publishing

d'fine Redland Lifestyle
Goondiwindi Argus
Senior Lifestyle Bayside
Southern Bay News
The Bayside Bulletin
The Northwest Star
The Redlands Directory
The Redland Times

Fairfax Business Media

Australia Publications

The Australian Financial Review
The Australian Financial Review – Weekend Edition
AFR BOSS
The Australian Financial Review Magazine
AFR Smart Investor
Life&LeisureLuxury
Life & Leisure The Sophisticated Traveller
Asset
BRW
CFO
MIS Australia

(77,046)

(89,731)

Online

afr.com
afrmarketwrap.com
brw.com.au
misaustralia.com
afrsmartinvestor.com.au
afrmagazine.com
afrboss.com
cfoweb.com.au
assetmag.com.au

Fairfax Digital*News*

smh.com.au
theage.com.au
brisbanetimes.com.au
WAtoday.com.au

Fairfax Digital Regional Network

Farmonline.com.au
www.lifeislocal.com.au
www.ruralpress.com
www.agquip.com.au
www.autoguide.com.au
www.businessquickfind.com.au
www.buyersguide.com.au
www.canberratimes.com.au
www.examiner.com.au
www.farmonline.com.au
www.farmprogress.com
www.feedstuffs.com
www.fridaymag.com.au
www.holidaysaway.net
www.jobsguide.com.au
www.lifestyle-farmer.co.nz
www.localdirectory.com.au
www.plantorder.com
www.propertyguide.com.au
www.river949.com.au
www.rpinteractive.com.au
www.ruralbookshop.com.au
www.ruralpropertyguide.com.au
www.ruralpresssales.com
www.tackntogs.com
www.yourguide.com.au

Business and Finance

Businessday.com.au
Mysmallbusiness.com.au
Investsmart.com.au
Tradingroom.com.au
Moneymanafger.com.au
Execstyle.com.au

Life Style and Entertainment

Cuisine.com.au
brisbanetimes.com.au/goodfoodguide
Essentialbaby.com.au
TheVine.com.au

Sport

Rugbyheaven.com.au
Realfooty.com.au
Leaguehq.com.au

Travel / Accommodation

Stayz.com.au

Property

Domain.com.au
Apm.com.au (Australian Property Managers)

Automotive

Drive.com.au
Countrycars.com.au
Autoguide.com.au

Dating

Rsvp.com.au

Employment

Mycareer.com.au
Thebigchair.com.au

Fairfax Magazines

Good Weekend
Sunday Life
the(sydney)magazine
theage(melbourne)magazine
Travel + Leisure Australia
Television

Style HQ Collection - Custom Publishing

The Chase
Fashion Capital
QueensPlaza

Fairfax stats
(including Rural
Press)

Substantial shareholders

Marinya Media Pty Limited
HBSC Custody nominees (Australia) Limited
National Nominees Limited
JP Morgan Nominees Australia Limited

Board of Directors

Ronald Walker AC CBE, Chairman
Mark Burrows AO, Deputy Chairman
Roger Corbett AM
David Evans
John B. Fairfax

Nicholas Fairfax
Julia King
David Kirk, Chief Executive Officer
Robert Savage
Peter Young

Leader Newspaper Group

Leader title	Publication day	Readership	Circulation
Bayside Leader	Tuesday	77,000	40,314
Berwick/Pakenham			
Cardinia Leader	Wednesday	88,000	64,566
Brimbank Leader	Tuesday	80,000	61,589
Caulfield Glen Eira/Port			
Phillip Leader	Tuesday	103,000	84,704
Cranbourne Leader	Wednesday	46,000	28,363
Dandenong/Springvale			
Dandenong Leader	Monday	77,000	43,672
Diamond Valley Leader	Wednesday	69,000	44,693
Frankston Standard/			
Hastings Leader	Monday	89,000	71,585
Free Press Leader	Wednesday	15,000	14,887
Heidelberg Leader	Tuesday	40,000	29,343
Hobsons Bay Leader	Tuesday	21,000	35,503
Hume Leader	Tuesday	71,000	42,878
Knox Leader	Tuesday	97,000	62,133
Lilydale & Yarra Valley Leader	Tuesday	45,000	40,479
Manningham Leader	Wednesday	68,000	44,421
Maribyrnong Leader	Tuesday	22,000	30,216
Maroondah Leader	Tuesday	53,000	44,398
Melbourne Leader	Monday	43,000	55,689
Melton/Moorabool Leader	Tuesday	62,000	40,151
Moonee Valley Leader	Monday	52,000	51,339
Moorabbin Kingston/Moorabbin			
Glen Eira Leader	Wednesday	60,000	50,576
Mordialloc Chelsea Leader	Monday	36,000	37,575
Moreland Leader	Monday	71,000	66,973
Mornington Peninsula Leader	Tuesday	54,000	50,495
Northcote Leader	Wednesday	29,000	24,072
Preston Leader	Wednesday	46,000	38,044
Progress Leader	Tuesday	69,000	70,100
Stonnington Leader	Tuesday	47,000	54,310
Sunbury/Macedon			
Ranges Leader	Tuesday	40,000	28,456
Waverley/Oakleigh			
Monash Leader	Tuesday	82,000	70,580
Whitehorse Leader	Wednesday	81,000	66,374
Whittlesea Leader	Tuesday	80,000	49,163
Wyndham Leader	Tuesday	41,000	42,992

Major Owner

News Limited

Company Directors

S Bradshaw

R C Snelling

PJ Macourt

C A Macleod

News Corporation

Media Interests

Circulation at 30.06.2010
(to the nearest thousand)

Australian National and Metropolitan Dailies

The Australian	Mon-Fri	135,000
The Weekend Australian	Sat	300,000
The Daily Telegraph, Sydney	Mon-Fri	374,000
	Sat	340,000
mX, Sydney	Mon-Fri	99,000
Herald Sun, Melbourne	Mon-Fri	516,000
	Sat	504,000
mX, Melbourne	Mon-Fri	90,000
The Courier-Mail, Brisbane	Mon-Fri	217,000
	Sat	297,000
mX, Brisbane	Mon-Fri	44,000
The Advertiser, Adelaide	Mon-Fri	180,000
	Sat	245,000
The Mercury, Hobart	Mon-Fri	45,000
	Sat	61,000
The NT News, Darwin	Mon-Fri	21,000
	Sat	32,000

Australian Weekly Newspapers

The Sunday Telegraph, Sydney	639,000
Sunday Herald Sun, Melbourne	597,000
The Sunday Times Perth	304,000
Sunday Mail, Adelaide	301,000
The Sunday Mail, Brisbane	514,000
Sunday Tasmanian, Hobart	59,000
Sunday Territorian, Darwin	22,000
The Weekly Times, Melbourne	71,000
Sportsman, Sydney	n/a

Regional newspapers

The Gold Coast Bulletin	Mon-Fri	39,000
	Sat	64,000
The Cairns Post	Mon-Fri	26,000
	Sat	43,000
Townsville Bulletin	Mon-Fri	26,000
	Sat	40,000
Geelong Advertiser	Mon-Fri	26,000
	Sat	45,000
Centralian Advocate, Alice Springs	twice weekly	7,000

Australian Magazines

Alpha	Monthly	73,000
Australian Country Style	Monthly	57,000
Australian Good Taste	Monthly	122,000
Delicious	Monthly	134,000
Donna Hay	Bi-monthly	89,000
Gardening Australia	Monthly	85,000
GQ	Bi-Monthly	n/a
InsideOut	Bi-monthly	52,000
Masterchef Magazine	Monthly	150,000

News Ltd stats	Notebook	Monthly	70,000
	Super Food Ideas	Monthly	262,000
	Vogue Australia	Monthly	52,000
	Vogue Living	Bi-Monthly	44,000
	Other Australian Magazines		
Australian Golf Digest			
Overlander 4WD			
Two Wheels			
Modern Boating			
Scooter			
Modern Fishing			
Truckin Life			
Tattoo			
Live to Ride			
Chopper			
Big League			
Lifestyle Pools			
Overseas Publications			
The Sun, London			3,000,000
The Times, London			504,000
Sunday Times, London			1,086,000
News of the World, London			2,829,000
New York Post			525,000
Wall Street Journal			2,093,000
Fiji Times*		Mon-Fri	16,000
		Sat	36,000
Fiji Sunday Times*			17,000
Post Courier, PNG*			27,000
* not wholly owned			
Monthly Australian unique browsers - June 2010			
Australian National and Metro News websites			
The Australian	theaustralian.com.au		2,579,214
The Daily Telegraph, Sydney	www.dailytelegraph.com.au/		2,585,889
Herald Sun, Melbourne	www.heraldsun.com.au/		3,940,333
The Courier-Mail, Brisbane	www.couriermail.com.au		1,640,139
The Advertiser , Adelaide	www.adelaidenow.com.au		1,212,051
The Mercury, Hobart	www.themercury.com.au/		195,322
The NT News, Darwin	www.ntnews.com.au		188,301
The Sunday Times Perth	www.perthnow.com.au		1,082,945
The Weekly Times, Melbourne	www.weeklytimesnow.com.au		42,893
The Punch	www.thepunch.com.au		259,746
news.com.au	www.news.com.au		4,926,234
Regional /Community websites			
The Gold Coast Bulletin	www.goldcoast.com.au		227,008
The Cairns Post	www.cairns.com.au		94,425
Townsville Bulletin	www.townsvillebulletin.com.au		99,603
Geelong Advertiser	www.geelongadvertiser.com.au		137,972
News Community Newspapers	www.wherellive.com.au		660,066

Magazine websites

Alpha	www.alphamagazine.com.au	8,613
Donna Hay	www.donnahay.com.au	45,969
Notebook	www.homelife.com.au	177,559
Taste	www.taste.com.au	1,913,386
Vogue Australia	www.vogue.com.au	658,541

Note on other publications

Some News Limited companies report separately in this report: Advertiser Newspapers (including Messenger Newspapers); Cumberland Newspapers; Davies Brothers; Leader Newspapers; North Queensland Newspapers; Queensland Press; and Quest Community Newspapers. News Limited also holds a 50.1% stake in Perth's Community Newspapers, which report under West Australian Newspapers.

News Corporation is incorporated in Delaware, United States, with a primary listing on the New York Stock Exchange.

Company Directors

Rupert Murdoch
 José María Aznar
 Natalie Bancroft
 Peter L Barnes
 Peter Chernin
 Kenneth E. Cowley
 David F. DeVoe
 Viet Dinh
 Sir Roderick I. Eddington
 Mark Hurd
 Andrew S.B. Knight
 James R Murdoch
 Lachlan K. Murdoch
 Thomas J. Perkins
 Arthur M. Siskind
 John L. Thornton
 Stanley S Shuman (Director Emeritus)

North Queensland Newspaper Company Pty Limited

Newspapers	Frequency	Circulation
The Townsville Bulletin	Mon-Sat	28,699
	Mon-Fri	26,347
	Sat.	40,267
Unique browsers, monthly		115,000
The Sun*	Weekly, Wed	53,569
Bowen Independent	Wed, Fri	3,234
The Observer	Thursday	1,509
The Advocate	Wed, Fri	4,118
The Northern Miner	Tues, Fri	2,906
The Herbert River Express	Thurs, Sat	2,895
Innisfail Advocate	Wed, Sat	3,601
* free weekly		

New Publication

Nil

Acquisitions

Nil

Ceased Publication

Nil

Divestitures

Nil

Owner

Nationwide News Pty Limited (100%) - ultimate holding company The News Corporation Limited.

Pacific Magazines

Magazines	Frequency	Circulation
Famous	weekly	88,519
New Idea	weekly	326,137
that's life!	weekly	274,106
Who	weekly	134,546
Better Homes and Gardens	monthly	382,973
Girlfriend	monthly	90,165
Home Beautiful	monthly	73,597
InStyle	monthly	61,912
K-Zone	monthly	50,272
Management Today	monthly	45,000
marie claire	monthly	110,873
Men's Health	monthly	75,579
Practical Parenting	monthly	40,000
Prevention	monthly	70,082
Take One	monthly	150,000
Total Girl	monthly	51,566
Weight Watchers	monthly	67,135
Women's Health	monthly	92,666
Bride to Be	8 issues per year	
Diabetic Living	bi-monthly	53,591
Monument	bi-monthly	17,000
Abercrombie & Kent	tri-annual	12,500
Lexus	tri-annual	32,000
The Outdoor Room	quarterly	
Your Garden	quarterly	56118
Family Circle	bi-annual	124,191

New Publication

Nil

Acquisitions

Nil

Ceased Publication

Nil

Divestitures

Nil

Owner

Pacific Magazines is a wholly owned subsidiary of the Seven Network Limited.

Queensland Press Limited

Newspapers	Frequency	Ownership if not 100%	Circulation
The Courier-Mail	Mon-Fri		208,214*
	Sat		300,830*
The Sunday Mail	Sun		527,674*
mX Brisbane	Mon-Fri		44,212**
Gold Coast Bulletin	Mon-Fri		39,766*
	Sat		68,779*
The Cairns Post	Mon-Fri		25,029*
	Sat		43,129*
Brisbane News	Weekly		119,914**
Gold Coast Sun	Weekly		168,071**
Cairns Sun	Weekly		54,584**
Tablelands Advertiser	Weekly		18,484**
Port Douglas & Mossman Gazette	Weekly		4,771**

* Audit Bureau of Circulations, March 2010

** Circulations Audit Board, December 2009

Websites	Page Impressions	Unique Browsers
couriermail.com.au	31,579,987	1,640,139
goldcoast.com.au	3,004,505	227,008
cairns.com.au	1,292,469	94,425

Acquisitions

Nil

Divestitures

Nil

Major Owners

News Corporation

Company Directors

L G Brindle

J Harris

J K Hartigan

K H McDonald OBE

Quest Community Newspapers

Newspaper Title	Frequency	Publication Day	Circulation	Unique Browsers
Albert & Logan News (Avg)		Weekly	73,931	9,282
Albert & Logan News (Fri)	Friday	Weekly	76,357*	9,282
Albert & Logan News (Wed)	Wednesday	Weekly	72,819*	9,282
Caboolture Shire Herald	Tuesday	Weekly	43,268	7,652
City News	Thursday	Weekly	49,808	10,649
City North News	Thursday	Weekly	29,220	3,008
City South News	Thursday	Weekly	29,951	3,340
Ipswich News	Thursday	Weekly	41,727	4,630
Logan West Leader	Wednesday	Weekly	30,887	3,210
Northern Times	Friday	Weekly	81,020*	6,211
Northside Chronicle	Wednesday	Weekly	63,294	6,147
North-West News	Wednesday	Weekly	43,085	4,491
Pine Rivers Press	Wednesday	Weekly	30,990*	5,028
North Lakes Times	Wednesday	Weekly	5,000*	1,413
Total Pine Rivers Press and North Lakes Times		Weekly	35,990*	
Redcliffe & Bayside Herald	Wednesday	Weekly	34,835	6,763
South-East Advertiser	Wednesday	Weekly	50,802	6,685
Southern Star	Wednesday	Weekly	60,714	5,826
South-West News	Wednesday	Weekly	40,570	4,423
Springfield News	Wednesday	Weekly	7,123	2,566
Total South-West News and Springfield News		Weekly	47,693*	
The Noosa Journal	Thursday	Weekly	23,740*	3,749
weekender	Thursday	Weekly	70,943*	3,912
Westside News	Wednesday	Weekly	60,423	8,257
Wynnum Herald	Wednesday	Weekly	34,647	4,233

Circulation: CAB, Oct '09 - Mar '10.

*Publisher's Claim.

Unique Browsers: Nielsen Online, Site Census, Monthly data, June 2010.

New Publication

North Lakes Times

Ceased Publication

Nil

Divestitures

Nil.

Major Owner

Quest Community Newspapers is a division of Nationwide News Pty Ltd, which is a wholly owned subsidiary of News Limited.

West Australian Newspapers Limited

Newspapers	Frequency	Ownership	Circulation
The West Australian	Mon-Fri		196,761
	Sat		343,460
Kalgoorlie Miner	Mon-Sat		5,787
TABform	Mon, Wed, Fri		20,995
Albany Advertiser	Tues/Thurs		6,400/8,500
Albany Extra	Weekly, Sat		18,124
Augusta Margaret River Times	Weekly, Fri		6,715
Broome Advertiser	Weekly, Thurs		6,800
Broome Happenings	Bi-weekly, alt Thurs		7,274
Bunbury Herald	Weekly, Tues		23,341
South Western Times	Weekly, Thurs		13,769
Busselton-Dunsborough Times	Weekly, Thurs		6,985
Geraldton Guardian	Mon, Wed, Fri		7,362
Goldfields Express	Weekly, Thurs		14,600
Kimberley Echo	Weekly, Thurs		
Midwest Times	Weekly, Thurs		20,650
Northern Guardian	Weekly, Wed		4,635
Great Southern Herald	Weekly, Wed		2,600
Harvey Waroona Reporter	Weekly, Tues		7,295
Manjimup Bridgetown Times	Weekly, Wed		3,171
Narrogin Observer	Weekly, Wed		3,061
North-West Telegraph	Weekly, Wed		7,100
Sound Telegraph	Weekly, Wed		43,054
Pilbara News	Weekly, Wed		6,806
Quokka	Weekly, Thurs		52,371
Countryman	Weekly, Thurs		9,127
Community Newspapers			
Advocate	Weekly, Tues	49.9%	
Canning Times	Weekly, Tues	49.9%	34,565
Comment News	Weekly, Tues	49.9%	51,193
Eastern Reporter	Weekly, Tues	49.9%	68,337
Fremantle-Cockburn Gazette	Weekly, Tues	49.9%	47,025
Guardian Express	Weekly, Tues	49.9%	38,108
Hills Gazette	Weekly, Sun	49.9%	41,000
Joondalup-Wanneroo Times	Weekly, Thurs	49.9%	88,976
Mandurah Coastal Times	Weekly, Wed	49.9%	38,204
Melville Times	Weekly, Tues	49.9%	40,138
Midland-Kalamunda Reporter	Weekly, Tues	49.9%	37,669
North Coast Times	Weekly, Tues	49.9%	15,919
Southern Gazette	Weekly, Tues	49.9%	47,713
Stirling Times	Weekly, Tues	49.9%	50,192
Wanneroo-Joondalup Weekender	Weekly, Tues	49.9%	
Weekend Courier	Weekly, Fri	49.9%	42,981
Western Suburbs Weekly	Weekly, Tues	49.9%	47,965

Major Owner

Owned by West Australian Newspapers Holdings Ltd, a public company listed on the ASX with about 30,000 shareholders. Substantial shareholders are Seven Network Limited (23.2%) and Barclays Group (7.25%)

Company Directors

Kerry Stokes AC (Chairman)
 Doug Flynn
 Peter Gammell
 Graeme John AO
 Don Voelte
 Sam Walsh