

From Chapter 1

What happens when an ethicist has a conflict of interest?

When journalists in Australia seek an expert comment on ethical issues, they often seek out Simon Longstaff, the Executive Director of Sydney's St James Ethics Centre. That's what the ABC-TV's *Stateline* (New South Wales edition) did in late 2005 when they wanted someone to discuss the ethics of former NSW Premier Bob Carr's decision to join Macquarie Bank as a part-time consultant 10 weeks after the quit as Premier, on a reported retainer of \$500,000 a year (Dempster 2005). He didn't see any problem with Carr taking up the position. What Dr Longstaff didn't say during that interview is that the Macquarie Bank is a sponsor of the St James Ethics Centre. The Centre's magazine, *Living Ethics*, had the bank's logo on the front and at the bottom of each page.

Dr Longstaff was back on the program a fortnight later to explain the apparent conflict of interest. He denied that the bank at the centre of the story was a major sponsor of the Centre, but did admit he should have mentioned the connection (Longstaff 2005). He also admitted that for a person who spends his life talking to people about acting ethically, he had acted unethically (Longstaff 2005).

This seems like a fairly mild form of 'conflict of interest', but it also indicates that it is an everyday occurrence and a trap for the unwary. Now is a good time to remind you to check your own personal interests: Where is the potential for conflict in your professional life?

Bibliography:

Dempster, Quintin. (2005, October 14). Lemma's Dilemmas, *Stateline* (ABC-TV, NSW), Australian Broadcasting Corporation.

Longstaff, Simon (2005, October 28). An Ethicist Admits, *Stateline* (ABC-TV, NSW), Australian Broadcasting corporation.

Rawls's veil of ignorance

It is axiomatic that there has to be fairness in the social contract if it is going to effectively hold any given society together (Christians, Rotzoll & Fackler 1991, p. 17). But how can we strike a fair bargain 'contract' in a world full of inequality? According to American ethicist John Rawls's so-called 'veil of ignorance' theory, to achieve this social cohesion it is necessary for people to divorce themselves from their social surroundings—for example, their sex, race, religion, or social and economic class. In other words, we have to believe that

there are no social conditions, or relations, that establish a hierarchy, or structural inequalities between individuals.

We therefore have to imagine that we are all equal in order to behave ethically and equally to all individuals. We have to stand behind a veil of ignorance about a person's actual social standing, and important information about the situation is also notionally hidden (Hurst & White 1994, p. 12). From what we've said so far, you should be starting to see that the veil of ignorance idea is a subtle feature of many ethical systems, both deontological and teleological.

In an example given by Hurst and White—that of a reporter deciding whether or not they should do a 'death-knock' (where the journalist knocks on the door of the family home hoping for an interview about a loved one who is in the news because of a tragedy)—the journalist would have to ignore their own self-interest (to get the story) in coming to a decision. In less theoretical terms than Rawls, Hurst and White call this 'putting oneself in someone else's shoes' (1994, p. 12). There are two principles that inform Rawls's theoretical curtain:

- Liberty is paramount and cannot be traded for possessions and/or wealth.
- Inequality in distribution of the social wealth is OK, if it acts to benefit the least advantaged party.

However, we think there is an important contradiction in Rawls's theory: we don't, unfortunately, live in the best of all possible worlds; one in which we can pretend not to know about racism, sexism, homophobia, economic inequality, and so on. Even more importantly, at one level all of us realise that there are many structural inequalities that exist in our everyday world. It is precisely these inequalities that determine social position: ethnicity, class, gender, and assumed sexuality being just four of the most important ones. And it is precisely these inequalities that drive many people to become crusading journalists.

In our view, Rawls's veil of ignorance attempts to deny the validity of social ethics and the importance of social relations (especially relations of unequal power) in ethical reasoning. If we were to forget that we are reporters, with a job to do, it makes any ethical decision meaningless. It is OK to put yourself in someone else's shoes and imagine how they might feel, but as journalists we have to put some kind of situational context around our ethical thinking. We cannot ignore our role as a journalist. We can easily imagine situations where, as a reporter, you might be asked to write a story that will result in some harm to one or more people. If you were to simply put yourself in their position, it stands to reason that you wouldn't write the story. However, greater issues must be brought to bear. Is the story likely to result in some larger social good—an outcome that will benefit many more people than are hurt? Is the person whose reputation, or happiness, is compromised someone who deserves their fate because of some previous antisocial, illegal, or unethical behaviour? You will notice

that these and similar questions are present in nearly all the case studies we'll present throughout the text. One thing that you will learn very quickly is that there is usually no black and white in journalism ethics, only those ever-present 'shades of grey'.

Bibliography:

Christians, Clifford G., Kim B. Rotzoll & Mark Fackler, eds. 1991. *Media Ethics: Cases and Moral Reasoning*. New York: Longmans Inc. Original edition, 1983.

Hurst, John & Sally White. 1994. *Ethics and the Australian News Media*. Melbourne: Macmillan Education.

From Chapter 2

Monopoly and oligopoly

This is how the processes of monopoly and oligopoly work, with the features matching the classic merger, acquisition, and takeover strategies under conditions of monopoly capitalism:

- Production is concentrated in such a way that it plays a decisive role in economic and social life (if you're the only source of news it can be pretty decisive).
- Bank capital is merged with industrial capital to form 'finance' capital (the deals that create these super-companies are funded on credit and paper transfers, rather than real wealth).
- A close affiliation is created between government and business—a virtual blending of the functions of capital and the state. The Berlusconi Government in Italy was a prime example. The former prime minister owns around 80 per cent of the Italian commercial media, including two important television networks.
- Capital is exported in the form of money, services, or 'intellectual' property, rather than just manufactured goods (witness Murdoch's global expansion since the early 1970s).
- Global cartels are formed, and informal agreements are made that carve territories between erstwhile competitors and promote 'insider' sweetheart deals. The merger of Hollywood studios, Internet portal operators, and traditional media companies to form AOL-Time-Warner is one such deal. So, too, is the formation of MSNBC (Microsoft plus the National Broadcasting Company) and its affiliation with Channel Nine in Australia.
- Excessive barriers are created against the entry of new players (it would take several billion dollars to mount a new global media company in competition with the established monopolists).

From Chapter 3

Accuracy in action?

In an attempt to eliminate obvious inaccuracies from its newspapers, the Fairfax group (publishers of the *Sydney Morning Herald*, the *Age*, and *Australian Financial Review*, among other titles) introduced a new form of editorial management, known as 'prosecutorial editing' (A. Dodd 2001a). The practice did not sit well with all *Sydney Morning Herald* staff, with at least one senior staffer, Ben Hills, reportedly threatening to work against the new system, which was designed to identify and check all 'high risk' stories through a process of 'peer review' in the newsroom. Unfortunately, the new system did not stop the Sydney paper from further embarrassing blunders, such as wrongly identifying a man in a story about excessive drinking by workers in the finance industry. ('A quick nip and the afternoon dip combine to cut alertness' 2003). The reporter quoted one 'Steve Renshaw, 31, a money market broker' as saying he usually had five or six schooners of beer during his three-hour lunch break and then drove home about 5 p.m. Next day, the *Herald*, in a small paragraph on page 2, said: 'The *Herald* accepts that another man, who claimed to be Mr Renshaw, made the comments and posed for the photo' (cited in Meade 2003). But somebody didn't tell the *Sydney Morning Herald* letters column editors, because the same edition in which the 'apology' appeared also carried public criticism of 'Mr Renshaw's' drinking and driving habits (Meade 2003). The ABC's *Media Watch* identified the bragging drinker as one of Steve's mates, Mark Pisani, from the same broking firm (Marr 2003). What's a reporter to do? Ask to see a driver's licence (or other photo ID) from everyone they interview? Whatever happened to the habit of journalists exchanging business cards with their interviewees?

Bibliography:

Dodd, Andrew. 2001a. 'Strikes a Defining Moment in US Journalism.' *The Australian*, 4 October, 12.

Marr, David. 2003. 'In Vino Veritas.' In *Media Watch*. ABC TV. 25 August.

Meade, Amanda. 2003. 'The Diary', Media. *The Australian*, 28 August–3 September, 2.

'A Quick Nip and the Afternoon Dip Combine to Cut Alertness.' 2003. *The Sydney Morning Herald*, 22 August, 3.

Journalists in conflict: The ideological fallout from '9/11'

In the confusing aftermath of the terrorist attacks on New York and Washington in September 2001, rival American journalists and columnists were quick to condemn each other. Given the high levels of emotion and rhetoric surrounding the news media's coverage of 11 September, it's not surprising that a wide left-right split appeared between journalists (T.

Blair 2001). Richard Ackland (2001) reported a spat between two female correspondents in which one called the other a 'war slut' in print. Rupert Murdoch himself issued an apology (of sorts) before it got any worse.

Ackland's column, in which he reports this insider gossip, itself takes a general swipe at Murdoch correspondents in Australia who had been quick to jump on the 'anti-terrorist' bandwagon. He notes how regular contributors to the opinion and editorial pages in a Murdoch paper were 'trying to pass themselves off' as fair-minded, and not part of the very 'chattering classes' and so-called 'elites' that they claim to despise.

It would be fair to assume that Ackland was having a go at someone like Piers Akerman, who had, the day before, written an opinion piece on the November 2001 Australian federal election. It was an election in which the issues of 'border security' and 'refugees' were very controversial, and Akerman (2001) had taken a shot at what he often described as the 'commentariat', a vaguely left-wing and ill-defined group of reporters whom Akerman happened to disagree with. In this instance it was columnists and reporters who had accused Prime Minister John Howard of using the asylum-seeker issue to whip up fear in the campaign. 'Commentariat' has become a common collective noun of abuse in Australia, the same way conservative columnists in the United States accuse those they disagree with of being 'liberal' (Hannity 2002). Sean Hannity is an American radio talk host: the classic 'shock-jock'. He claims to be a proud American, a native of New York and to hate the 'left', which he claims has 'foolishly and relentlessly attacked and undermined the very policies and institutions that have made [America] a beacon of liberty and prosperity' (Hannity 2002, p. 6).

Hannity's Australian equivalents, at least in attitude and tone, are columnists like Piers Akerman in Sydney's *Daily Telegraph* and the *Australian's* Greg Sheridan (Hirst & Schutze 2004a, 2004b). What they share is a real hatred for the ideology they describe as 'modern liberalism, feel-good feminism, or radical environmentalism' (Hannity 2002, p. 7). 'Liberal' or 'left' are epithets usually aimed at more 'humanitarian' columnists, those who Akerman (2001) labels as 'predictable bores'.

As Andrew Dodd (2001b) has pointed out, the 'war on terror' marked a turning point in American media history, with greater introspection by journalists and the development of clearly ideological positions: one became either a 'patriot' or an 'appeaser' of terrorists. It is clear that any discussion of journalism and ethics must be aware of these fault lines in ideology. We then need to ask a further question: Why is there such a clear schism within journalism about political and social issues, such as war, industrial relations, Labor versus Liberal, and refugee policy? The answer, we believe, can be found by examining the emotional attitudes of journalists in relation to various 'points' on a dialectic continuum that marks out a journalistic ideology.

Bibliography:

Ackland, Richard. 2001. 'We Regret Rupe's Rant Merchants.' *The Sydney Morning Herald*, 9 November, 10.

Akerman, Piers. 2001. 'Bordering on the Ridiculous.' *The Daily Telegraph*, 8 November, 22. Blair, Tim. 2001. 'When Columnists Take to the Barricades.' *The Australian*, 4 October, 12–13.

Dodd, Andrew. 2001b. 'Reporters Grilled by the Prosecution.' *The Australian*, 15 November, 5.

Hannity, Sean. 2002. *Let Freedom Ring: Winning the War of Liberty over Liberalism*. New York: Regan Books.

Hirst, Martin & Robert Schutze. 2004a. 'Allies Down Under: The Australian at War and the Big Lie.' In *Global Media Goes To War: Role of News and Entertainment Media During the 2003 Iraq War*, ed. Ralph D. Berenger, Spokane WA, Marquette Books, 171–87.

———. 2004b. 'Getting the Story Straight: Greg Sheridan in the Shifting Sands of Iraq'. *Overland* (176): 18–25.

Freedom and responsibility: A clash of journalistic ideologies

If you read Sean Hannity's book *Let Freedom Ring*, you soon realise that for his brand of conservative activist journalism, 'freedom' means upholding family values and the American way of life. Defending this freedom means taking a responsibility to stop the spread of 'liberal' ideas: 'Not just debate them, but defeat them' (Hannity 2002, p. 11). For John Merrill (1989, p. 25), one of the key intellectual debates about activism in modern journalism is the idea that 'many journalists therefore fear freedom because they fear to assume responsibility for decisions [and fear] ... accepting moral responsibility for actions taken'. Leonard Downie Jr and Robert G. Kaiser (2002) describe the central contradiction as being between 'good' and 'bad' journalism. They argue that good journalism 'frequently changes the lives of citizens, both grand and ordinary', and is 'critical to a civilized society', while bad journalism 'can leave people dangerously misinformed', and much of it is 'just lazy and superficial'.

It is not difficult to draw the conclusion that good journalism will also be free from bias, and responsible, but to whom or what? The idea of trust is also central to the notion of good journalism, for without trust a nation is doomed (Tazreiter 2003). However, the news media is one social institution that, Tazreiter (2003, p. 9) argues, has failed the public trust: 'The media acts as taster, sifter and packager of information which most of the public consumes, even while remaining sceptical about its independence, impartiality and rigour.'

Like many of the contemporary ideas surrounding journalism ethics, the philosophical roots of free and responsible journalism go back to arguments between the Greek philosophers, Plato and Aristotle: on the one hand, the concept of social responsibility, and, on the other, the ideology of political individualism. For John Merrill (1989, p. 3), the most important resolution (synthesis) of the contradictions in journalism is an attempted 'merger of Platonic social responsibility with Aristotelian political individualism', which 'forms the critical dialectic in press–government relations and in the general symbiosis between journalism and society'. Today we talk more about 'accountability' than 'responsibility', but the contradiction highlighted by Merrill has not disappeared. On the contrary, Meadows (2001, p. 40) argues that in the modern news media 'lines of accountability' between journalists, the public, and the broader society have been 'displaced'. Clearly the idea of responsibility, or accountability, raises just as many questions as it answers. Who, or what, should journalists be accountable to? While accountability is an important concept in journalism ethics, it can prove quite elusive at times (Retief 2002, p. 5).

Merrill (1989) sees the most substantial fault line in journalism ethics being between freedom on the one hand, and responsibility on the other. We can see many others as equally substantial. In particular, these fault lines go to the core of the ideology of journalism and the concepts of accountability, objectivity, balance, accuracy, truth, fairness, and bias.

Bibliography:

Downie Jr., Leonard & Robert G. Kaiser. 2002. *The News About the News: American Journalism in Peril*. Knopf.

Hannity, Sean. 2002. *Let Freedom Ring: Winning the War of Liberty over Liberalism*. New York: Regan Books.

Meadows, Michael. 2001. 'A Return to Practice: Reclaiming Journalism as Public Conversation.' In *Journalism: Theory in Practice*, ed. C. Varley. Melbourne: Oxford University Press.

Merrill, John C. 1989. *The Imperative of Freedom: A Philosophy of Journalistic Autonomy*. Ed. A.W.

Retief, Johan. 2002. *Media Ethics: An Introduction to Responsible Journalism*. Cape Town: Oxford University Press.

Tazreiter, Claudia. 2003. 'The Things We Rely On.' *The Sydney Morning Herald*, 3–4 May, 8–9.

From Chapter 4

The Australian Press Council—a conflict of interests?

The fundamental fault line running through the APC processes is in the potential for conflicts of interest between the APC and the newspaper companies. The commercial and other interests of the media companies may override the public interest in the complaint being fairly dealt with. There is an inherent contradiction in having representatives of Australia's largest newspaper companies 'adjudicating' on public complaints about the ethical standards of the management and employees of these same companies. In an interesting, if contrasting parallel, one Queensland submission to the MEAA Ethics Review Committee mentioned the perception that the state's judiciary committee might be biased because the same company employed a majority of its members. While the concern of this union official was genuine, the real concern of newspaper management representatives on the APC is profits. In APC adjudications, the reputations of the employee—sometimes a 'star' columnist—and the company are on the line. This is because, as a highly tradeable commodity, reputation is fiercely protected in the mediasphere. Another 'safeguard' on the system of self-regulation is that in order for the APC to agree to adjudicate, the complainant(s) must first sign a waiver that they will not pursue further action, particularly through the courts. This makes the APC, in the opinion of many, a 'toothless tiger'.

In fact, it's fair to say that the APC was almost certainly KO'd not long after it found its feet in 1976. Henry Mayer (1968, p. 248) was right a decade earlier when he predicted: 'It is highly likely that such a council would be split on most issues.' What we attempt to explain through this account is how the contending ideological frameworks of the reporters and the proprietors have clashed in the past, and how the institutional attempts to paper over the very deep fissures have always failed, at least so far.

Bibliography:

Mayer, Henry. 1968. *The Press in Australia*. reprint ed. Melbourne: Landsdowne Press.

From Chapter 5

A chronology of modern terror

'One person's terrorist is another person's freedom-fighter', says the adage popular in the 1970s. He or she may now call themselves a guerrilla, an insurgent, militant, suicide bomber, or, from another era, a partisan. The word guerrilla, incidentally, comes from the Spanish two centuries ago and literally means 'little war' (Shewchuk 2001). Much has been written about terrorism, and the reasons for it. A useful starting point is the *Wikipedia* reference (<http://en.wikipedia.org/wiki/Terrorism>).

Terrorism is not a new thing, but the coverage that it receives in the global media today is far greater than it was 30 years ago, and even as recently as the 1990s. Since the collapse

of the Soviet Union and the end of the Cold War in the late 1980s, terrorism has become the new international spectre. While the threat of terrorist attacks is perhaps always present, the current media fascination might be, it could be argued, more than it warrants when other factors are considered. As the following (albeit brief) list shows, terrorism is an ancient, if dangerous and despicable, tradition in politics.

- the massacre of Israeli athletes at the 1972 Munich Olympics
- the destruction of two Air India jets originating in Canada in 1985
- the 1984 bombing in Brighton, England in an unsuccessful attempt to assassinate then-Prime Minister Margaret Thatcher
- the downing of Pan Flight 103 over Lockerbie, Scotland in 1988
- the Oklahoma City bombing by Timothy McVeigh in 1995
- the Omagh bombing in Northern Ireland in 1998
- the bombing of USS Cole in the Middle East in 2000
- the 11 September attacks in New York and Washington in 2001
- the Bali bombings of October 2002 and 2005
- the attacks in Madrid in 2004
- the 7 July 2005 bombings in central London.

Add to that countless suicide bomb attacks, plane hijackings, kidnappings and hostage-takings, and videos of executions and you have the grisly litany of the terror campaigns of the past 30 years. Many will ring a proverbial bell in our collective memory, but terrorism as a form of protest has been around since the Roman days. The most severe period of rule by the Committee of Public Safety during the French Revolution of the late 1700s was called the 'Reign of Terror' to describe the rule through systematic torture exemplified by the frequent use of the guillotine.

Bibliography:

Shewchuk, B. (2001, October 18). *Terrorists and Freedom fighters*. Retrieved June 2, 2006, from <http://www.cbc.ca/news/indepth/words/terrorists.html>.

From Chapter 6

War made for television

Much has been made of the fact that the drama of 11 September 2001 unfolded on television screens around the world—the 'first war of the twenty-first century' began live on CNN, CBS, NBC, and ABC. Hundreds of television networks around the globe (including those in Australia) relayed the American pictures around the clock for several days until they could scramble their own crews into place. Not for the first time in a modern war, 'reality' seemed to

be one step behind the fictional world of Hollywood: 'It's this sense of hyper-reality—of a terror that has walked off our cinema screens—which compounds the nightmarish quality of these acts' (Lumby 2001).

A month after the attacks on New York and Washington, and one week into the air strikes against Afghan targets, Roy Eccleston's analysis (2001) in the *Australian*, headlined 'Enemy on target in battle of the mind', ends with a chilling reminder of previous campaigns: 'As in the Cold War, Americans feel threatened. Keeping the [American] public committed and patient over the longer term, especially in the face of any new terrorism, will itself be a battle unlike any the US has fought' (Eccleston 2001).

In her *Bulletin* article 'Hegemony over Heels' on 2 October 2001, academic and media commentator Catharine Lumby comments on the Gulf War of 1991, 'infamously, the first to be fought out live on CNN', which became for many 'gripping entertainment' as television audiences were enthralled by 'cameras on the nose cones of smart bombs ... just like computer games ... There was little to remind us of the suffering the USA and its allies were inflicting on the ground' (Lumby 2001). Lumby notes that the effect of this was, as we might expect, to build support for the US coalition against Saddam Hussein. This observation tends to reinforce the view that television coverage of wars is much more superficial and ideological than press coverage (Raboy & Dagenais 1992, p. 7). What television audiences didn't see very much of, during the first or second Gulf Wars, was the devastation and suffering inflicted on ordinary Iraqis. The only real taste of this in the 1991 Gulf conflict was provided by two incidents—the death of hundreds of civilians in a Baghdad bunker and the charred bodies of fleeing Iraqi soldiers incinerated by napalm on the road from Basra. The first incident was dismissed as Iraqi propaganda (unlike what Western audiences were subject to 24 hours a day); the second came too late to have much impact on public opinion in the combatant countries. Now we are seeing the complete unravelling of Iraq on television, but also—and perhaps more importantly—throughout 2007 we also witnessed the unravelling of an American presidency as George W. Bush lost both credibility and support at home for this ugly and seemingly endless conflict.

Bibliography:

Eccleston, Roy. 2001. 'Enemy on Target in Battle of the Mind.' *The Australian*, 11 October, 2.

Lumby, Catharine. 2001. 'Hegemony Over Heels.' *The Bulletin*, 2 October, 49.

Raboy, Marc & Bernard Dagenais. 1992. 'Media and the Politics of Crisis.' In *Media, Crisis and Democracy*, edited by B. Dagenais. London: Sage.

From Chapter 7

Privacy laws and public interest

Privacy laws vary greatly from country to country and in their application within jurisdictions. In Australia there are federal privacy laws protecting some forms of information that is held about us by corporations and government agencies, and the states and territories also have their own privacy regimes. The debate in the Australian media context is about the privacy of individuals versus the public right to know about information that might affect their lives. Some newspaper editors and senior broadcasters believe that the right to privacy applies to ordinary people, but that once a person steps into the public arena, especially into a position of responsibility, then they lose the right to that protection. An example of invasion of privacy that is often mentioned in this context is coverage of the late Kerry Packer's heart attack in 1990 while playing polo at Warwick Farm in Sydney's west. It is interesting because it involves a media mogul whose staff are often accused of invading others' privacy, and one where 'the big fella' should have known better than to expect his media 'opposition' to afford him privacy. The country's richest man (and major media mogul) having a heart attack, and then appearing in public a week or so later, is news by any definition.

Belsey and Chadwick (1992) consider the question of statutory regulations to ensure privacy in the British context, and they comment on the 1990 Calcutt inquiry into the press, which was a response to intrusions into the privacy of the royal family, among others. They came down on the side of opposing legislative solutions and we agree with their statement that:

The problem [with legislation] is that it would almost certainly have a severely deleterious effect on serious journalism, while leaving untouched the trivia and gossip that form the staple of the tabloids. And in general any legal restriction on the press [and electronic media], in the absence of a constitutional guarantee of press freedom and some sort of freedom of information legislation, is a one-sided detraction, preventing the press from fulfilling a proper democratic role (Belsey & Chadwick 1992, p. 8).

Bibliography:

Belsey, Andrew & Ruth Chadwick, eds. 1992. *Ethical Dilemmas in Journalism and the Media*, ed. R. Chadwick. London: Routledge.

Caught up in a celebrity sting—ouch!

In January 2007 the gulf between the privacy of celebrities and of ordinary people was highlighted in a British libel case. Patricia Tierney, a mother of seven and grandmother of 16, was suing the *Sun* newspaper after it had named her as an 'auld slapper' and a prostitute who had been paid to have sex with England footballer, Wayne Rooney. After initially denying she was a prostitute, though admitting she was a receptionist in a brothel, Ms

Tierney's case collapsed when Rooney's defence counsel uncovered a police statement she had given five years earlier. In 2002 Ms Tierney told police that she had been coerced into sex with a client who'd claimed to be a police officer. Ms Tierney was referred to the DPP for possible prosecution for perjury. Meanwhile, the tabloids reported that the collapse of the libel case would be a 'relief' to Rooney, while Tierney's life had been ruined. The *Sun* newspaper got away with it, too (Bunyan 2007).

Bibliography;

Bunyan, N. (2007, 31 January). Rooney prostitute may face charges as libel case collapses. *The New Zealand Herald*, p B1. From Chapter 9

The high cost of freedom of information

To give an example of how expensive FOI requests can be, let's have a quick look at the costs quoted to *Sydney Morning Herald* journalist Matthew Moore (2006) when he tried to access federal government documents early in 2006. Moore had applied for documents related to the government's controversial 'welfare-to-work' legislation. The Department of Employment and Workplace Relations estimated that it had 3455 pages of relevant information, but that more than 90% of them (3122 pages) were exempt from release under various provisions of the FOI legislation. The cost of applying for the remaining 313 pages was \$13,055.50.

A further hurdle that is often deployed by over-zealous bureaucrats is that they do not automatically think that release of documents is in the public interest. Take this interesting excerpt from correspondence between a government agency and the *Sydney Morning Herald* that is quoted by Moore:

You may choose not to make all of the information contained in the documents available, nor all of the documents available depending on whether or not the documents contain information which you or your employer consider to be newsworthy or of significance.

On this basis, the paper was refused access. Surely it is the prerogative of the *Sydney Morning Herald* editor to determine the interest and newsworthy nature of any material released under FOI, not the job of a Canberra bureaucrat!

Bibliography:

Moore, M. (2006). *High cost of freedom*. Retrieved February 6, 2007, from:

<http://www.smh.com.au/news/national/high-cost-of-freedom/2006/03/17/1142582521030.html>

Wiltshire 'guilty'

Leading Sydney radio station, 2GB, was found guilty of vilifying Lebanese people when presenter Brian Wiltshire said they were inbred and had very low IQs, following an investigation by the media watchdog.

The Australian Communications and Media Authority (ACMA) inquiry determined that a 2005 broadcast on the top talk station was a breach of the Commercial Radio code of Practice. Wiltshire made his remarks in a talk-back segment late at night, just days after the Cronulla riots. 'Many of them have parents who are first cousins whose parents were first cousins, because of the culture, not a religious thing,' Wiltshire told his audience (Meade 2007).

However, 2GB's prompt apology on the station and on television the following day, as well as its subsequent retraining of staff, was noted by ACMA and no further action will be taken.

This is how the story was reported. What does it say about radio 'shock jocks' and how they pander to perceived audience prejudices?

Bibliography:

Meade, A. (2007, 30 January). Radio station 'vilified' Lebanese People, *The Australian*. Retrieved 30 January, 2007 from <http://theaustralian.news.com.au/story/0,20867,21139481-7582,00.html>.

Tampa-ing with the truth

In 2003, two years after it had irrevocably shaken federal politics, Fairfax journalists David Marr and Marianne Wilkinson, in their book *Dark Victory* (2003), carefully researched and documented the lies and distortion surrounding the well-known *Tampa* affair that clouded the November 2001 federal election. In late October that year, a Norwegian freighter, the MV *Tampa*, rescued a group of asylum seekers from a leaking boat and attempted to take them to Christmas Island on Australia's western seaboard. The Federal Government used heavily armed SAS forces to storm the *Tampa* and prevent the asylum-seekers from coming ashore, in breach of many conventions of the sea.

Respected *Courier-Mail* correspondent Peter Charlton (2002) was not alone in concluding that the Howard Government 'seized' on the *Tampa* incident to help it win the 'unwinnable' 2001 federal election. We have written plenty about 'spin' in relation to political manoeuvring over Iraq and other issues, but the real issue here is to understand the assumptions made by reporters and editors in how they cover issues of ethnicity and race. We haven't the space to document in great detail the current state of coverage, but the

following short sections are important examples of the issues raised by researchers in this field. We recommend you undertake your own reading in this area, perhaps starting with *Racism, Ethnicity and the Media* (Jakubowicz 1994). Follow this up by reading some of the work of Michael Meadows and a number of others (for example, Castillo & Hirst 2001; Meadows 1987, 1995, 1998a, 1998b; Meadows, Hippocrates & Van Vuuren 1997; Meadows & Oldham 1991). This body of work supports the view that Australia's journalists could do a lot better in terms of how ethnicity and Indigenous affairs are covered.

Bibliography:

- Castillo, Antonio & Martin Hirst. 2001. "Look Both Ways": Fairfield, Cabramatta and the Media.' In *The Other Sydney: Communities, Identities and Inequalities in Western Sydney*.
- Charlton, Peter. 2002. 'Tampa: The Triumph of Politics.' In *Howard's race: Winning the Unwinnable Election*, ed. D. Solomon. Sydney: HarperCollins.
- Meadows, Michael. 1987. 'People Power: Reporting or Racism?' *Australian Journalism Review* 9: 102–12.
- . 1995. 'Sensitivity Not Censorship: Reporting Cultural Diversity in Australia.' *Australian Journalism Review* 17 (2): 18–27.
- . 1998a. 'The Media and Indigenous Affairs.' In *Urban Life, Urban Culture: Aboriginal/Indigenous Experiences: Proceedings of the Goolagullia Centre*, University of Western Sydney, 27–29 November, ed. George Morgan.
- . 1998b. 'The Media as Cultural Resource.' *Australian Journalism Review* 20 (2): 1–23.
- Meadows, Michael, Cratis Hippocrates & Kitty Van Vuuren. 1997. 'Targeting the Media. Comparing Print and Television News Coverage of Indigenous Affairs.' *Australian Journalism Review* 19 (2): 73–87.
- Meadows, Michael & Cheyenne Oldham. 1991. 'Racism and the Dominant Ideology: Aborigines, Television News and the Bicentenary.' *Media Information Australia* (60): 30–40.
- Jakubowicz, Andrew, ed. 1994. *Racism, Ethnicity and the Media*. St Leonards, Sydney: Allen and Unwin.
- Marr, David & Marianne Wilkinson. 2003. *Dark Victory*. Crows Nest, Sydney: Allen and Unwin.

From Chapter 9

Are you authorised to leak that leak?

We need to make a distinction here about the different ways confidential information is released to a reporter by the source. This practice is referred to as 'leaking' a story. There are what can be categorised as 'authorised' and 'unauthorised' leaks. Dr David Kelly (as we

note in Chapter 6) was 'unauthorised' to 'leak' information to the BBC, but he thought the public should know of his reservations about the British Government's reasons for going to war. On the other hand, the Ministry of Defence media officers were 'authorised' to 'leak' Kelly's name, if it was suggested to them by a journalist.

'Authorised' leaks, though, usually involve someone in authority in an organisation—for example, a company CEO, a Cabinet Minister, or Opposition Shadow Minister (or their chief media adviser) taking a journalist aside and telling them something by way of 'background', which in journalism jargon means 'information that can be used, but not attributed to the source by name'. It is used every day in Canberra to get the Government's and Opposition's messages out when the source doesn't want to be publicly named in the story.

Very often, 'background', when used by politicians, is just another form of media manipulation, and often involves the idea of payback: 'Use this material and next time we have something good, you'll be (among) the first to know.' Or it may be what is called a 'selective leak'—the source hopes to ingratiate themselves with a journalist (or small group of journalists) by leaking an important story. It appears to be a 'win-win' situation. The journalist gets exclusive access to a story in a highly competitive environment and the source can virtually guarantee favourable treatment for their story. Often it will involve the prior announcement of a policy initiative that amounts to no more than a politician 'testing the water' to gauge public reaction. If there's an adverse reaction, the politician drops the idea knowing his or her name has never been publicly associated with it. It is up to the individual journalist whether they play that game, and to what extent.

It was obvious to anyone following the Blair Government's attempts to justify going to war with Iraq in early 2003 that his office and staff were leaking like the proverbial sieve. But that form of 'authorised', almost 'official', leak is very different from the 'unauthorised' leak that usually involves someone further down the 'food chain', who wants to see something their organisation is doing—that they believe is corrupt, illegal, unethical, or even dangerous—exposed through the media.

The *Sydney Morning Herald* guidelines

In the wake of the BBC source suicide, and the Jayson Blair affair in the United States, the *Sydney Morning Herald* introduced new draft guidelines on the use of sources. Conveniently for this discussion, the document was 'leaked' to the opposition *Australian*, and appeared in the weekly 'Media' section (Chulov 2003). The new *Sydney Morning Herald* sourcing policy seems to follow the same logic as the 1998 MEAA Code Clause 3. The *Sydney Morning Herald* policy includes the following planks:

- We do not use direct quotes in stories from anonymous sources.

- We try to limit the use of anonymous sources in stories to cases where the use is essential for the integrity of the article. The use needs to be discussed with your editor.
- Our priority is to get a source on the record, wherever possible. We can do this by asking if they'll go public if we get official confirmation of an incident, or get it confirmed by another party or document, or if someone else goes public too, or undertake to read them back (only) their quotes plus their context.
- Always try to get a second source for material facts. At least two separate sources (or a verified document) are needed. One source may be acceptable if it's from the horse's mouth (identified to the editor).
- If we have an important story and we cannot get someone on the record it needs to be referred to the editor to determine if the story proceeds.
- We prefer to name a spokesman or spokeswoman.

The proposed guidelines continue:

Identification of unnamed source in cases where it is agreed we can use one: We can't simply say 'a source' or a 'government source'. We don't lie about a source in copy. We don't fudge on how many sources. We're precise. We don't make them sound more important or reliable than they are. We locate the source as close as possible to the action. E.g., someone who has seen the document, was at the negotiations, someone familiar with the deal. We identify in the story wherever possible where the interests of the source lie. We always explain why they will not go on the record, e.g., for fear of losing their job, life, or because of their own interests (cited in Chulov, 2003).

The draft policy then goes on to define terms like 'deep background', 'background', and 'off-the-record', and concludes with the statement: 'We don't accept conditions placed on any of our stories by sources seeking to improve their run in the paper' (Chulov 2003). As the first edition of this book was being written, the policy was still in the draft—and 'leaked'—stage and the current, publicly available, Fairfax editorial charter does not seem to contain such detailed guidelines as we've outlined here.

Bibliography:

Chulov, Martin. 2003. 'Fairfax Code of Conduct Could Muzzle News Scoops.' *The Australian*, 30 October–5 November, 10.

From Chapter 10

Uncle Neil's drug bust

In June 2004, Channel Seven news in Brisbane carried a disturbing story about the use of cannabis in the playground at Kenmore High School, in the affluent western suburbs. The

story showed shaky video footage of a group of students smoking a green substance from a home-made pipe (bong). The story headlined the bulletin and was described as a 'special Seven news investigation'. The next evening, reporter Neil Warren followed up his exclusive with a report that the police were now investigating the allegations and had demanded that Channel Seven hand over the footage. However, it was revealed in the *Courier-Mail* newspaper, a few days later, that the incident had been staged by a Year 12 student. In September, the real story behind the story was aired on *Media Watch* (Marr 2004). One of the students involved in the highly illegal stunt was Neil Warren's nephew. It gets even tackier: on the first attempt to film the group smoking dope on the school grounds it was a uniform-free day. So Uncle Neil sent the boys back to do it all again for the camera.

Bibliography:

Marr, D. (2004). *Uncle Neil's drug bust*. Retrieved 7 February 2007 from www.abc.net.au/mediawatch/transcripts/s1198311.htm.