

PRESS COUNCIL ADJUDICATIONS

ADJUDICATION NO. 985

The Press Council has upheld a complaint that The Australian unfairly reported an analysis of Pauline Hanson's character. The analysis was prepared by Hera Sandison, a graphologist commissioned by the newspaper to examine Ms Hanson's handwriting.

Ms Sandison complained that, while her analysis contained a balanced and largely favourable assessment of Ms Hanson, The Australian's summary, extracted from a written report, presented Ms Hanson in an unjustifiably negative light and conflicted with the spirit of her conclusions.

The paper responded that it did not believe the analysis had been unfairly edited and said that the published summary captured the essence of the assessment.

The Council notes that the length of Ms Sandison's analysis was such as to justify the newspaper's editing of it.

However, the Council is satisfied that the summary is not a fair representation of the analysis. Given that the newspaper commissioned an expert report, it was obliged, in fairness, not to distort her conclusions.

ADJUDICATION NO. 986

The Press Council has dismissed a complaint from Kathleen Hazelwood against The Advertiser, Adelaide, that it published harmfully inaccurate information and did not publish a balancing response.

Ms Hazelwood claims that the by-lined report of a meeting in Berri at which the SA Premier, John Olsen, spoke in support of his government's proposed sale of the Electricity Trust of South Australia (ETSA) is inaccurate because it attempts to ascribe the political mood in Berri as assessed by the paper's Political Editor to country South Australia as a whole.

Ms Hazelwood took particular exception to the opening paragraph: "The proposed sale of ETSA does not appear to be a major political issue in the country with only a handful of people at the launching of the State Government Rural campaign on the issue."

Ms Hazelwood detailed her views in a letter to the editor of The Advertiser. The letter was not published and a comprehensive response to, and rejection

of, Ms Hazelwood's assertions of bias and a defence of the professionalism of the journalist in question was provided to the complainant by The Advertiser.

The Press Council finds that the story is balanced, drawing on a range of available sources and opinions. The available evidence thus presented leads the writer to a perception that country people, as represented by the community of Berri and the Riverland generally, did not appear to regard the proposed sale of ETSA as a major political issue.

It may well be that a body of opinion as expressed by Ms Hazelwood does exist in country communities but the reporter did not come across it. The article provides a reasonable assessment of what the reporter learned.

ADJUDICATION NO. 987

The Australian Press Council has dismissed a complaint from Brian Tennant against The West Australian newspaper for not publishing a letter of reply from him to a letter published by the paper on 22 May 1998.

Comments from Brian Tennant, a well-known civil rights campaigner, were included at the end of a West Australian report, "Anger at 11th jail suicide" in its 18 May edition, on a recent death in custody. The article reported Mr Tennant as saying that the WA Governor should accept some of the blame for David Ryan's death because he had recently turned down a request from 20 prisoners, including Ryan, for their time in remand to be taken into account when setting a release day.

In a published letter to the editor of 22 May, Ryan's mother-in-law singled out Mr Tennant's comments for criticism. She said that she had never heard a word from Brian Tennant about her daughter's civil rights which David Ryan had so brutally abused. She concluded her letter by writing "Brian Tennant, remember that victims also have civil rights".

Mr Tennant asked the newspaper to publish a letter of reply from him emphasising he was not a supporter of killers but of everyone's rights. He claimed Ryan's mother-in-law misunderstood his comments and that his letter would clarify his role as a civil rights campaigner to her and the readership.

The newspaper took the view that the author of the published letter was responding to Mr Tennant's reported views and there was no point in having an extended debate on the

letters page over the further issues Mr Tennant raised.

The main thrust of the original report concerned the Justice Minister's handling of deaths in custody and Mr Tennant's views were a small part of the report.

The Press Council does not consider the published letter distorted Mr Tennant's view nor contained material damaging to him. The West Australian did not treat Mr Tennant unfairly by refusing to publish his letter.

ADJUDICATION NO. 988

In dismissing a complaint over the complainant's belief that he had been harmed in one of a series of letters published in the Ranges Trader, the Australian Press Council observes that he should have accepted the editor's offer of space for a clarifying letter of his own.

Brian Hannan rejected the editor's offer and demanded instead that the paper itself retract the contents of the contentious letter.

The Press Council finds there was no obligation on the newspaper to follow that course and commends it for its open offer to the complainant for letter space.

The dispute arose over comments of a local clergyman comparing the Ash Wednesday bushfire tragedy (which killed many people and destroyed property in the newspaper's circulation area in the Melbourne hills) with gambling on poker machines.

Replying to one of the letters published which criticised the clergyman, Mr Hannan ended his own published letter with the paragraph: "Your editorial comment is that nom-de-plumes are unacceptable. Unless I am mistaken, a recent writer to your column used an earlier surname rather than the one which she was known at school and to us. Use of her later surname would have better allowed local readers to assess any bias in her comments."

In a covering, not-to-be-published note to the editor Mr Hannan also referred to the nom-de-plume issue. A week later, a letter written by a neighbour of the nom-de-plume writer was published which criticised Mr Hannan.

It said his "comments accusing a recent writer of using a nom-de-plume were unacceptable". It also questioned "the motives for writing his letter".

In communication with the paper and in his complaint to the Press Council, Mr Hannan argued that the published criticism of his letter was untrue and defamatory. While acknowledging that readers could "link" the last two sentences of his published letter re the nom-de-plume, he claimed the existence of a full stop between the two sentences meant there was "no direct linkage in law" and that therefore the newspaper itself should print a retraction.

Whatever the legal status of the full stop, the complainant's argument bears no relationship to the cut and thrust of discussion on public issues in letters' columns or to any breach of Press Council principles.

The conjunction of the two references in the complainant's letter plainly raise the question of why a nom-de-plume was used and his subsequent critic was entitled to challenge him.

The answer to the complainant's concerns was to accept the editor's offer of further letter space and not claim a non-existent breach of Press Council principles.

ADJUDICATION NO. 989

The Australian Press Council has dismissed two complaints by a One Nation candidate against The Sydney Morning Herald.

Terry Sharples, the candidate for the Gold Coast seat of Burleigh, complained that the newspaper had misrepresented his statements to a reporter after two men had trashed his office.

The lead paragraph to the report of the interview reads: "A One Nation candidate claims he was 'stood over', had his office trashed and had his party's support withdrawn on the eve of the Queensland election after he had a disagreement with the party leadership over preferences."

The heading to the article read: "Office trashed by own party, candidate says."

After a complaint from Mr Sharples, The Sydney Morning Herald acknowledged that the heading was incorrect. It published on page two a one-paragraph item under the heading "Clarification" at the end of its "News in Brief" section, setting out that the offending heading was not correct, and that Mr Sharples said that his office had been trashed, but that he did not know by whom. This clarification provided the prompt and appropriate response called for under Press Council principles.

Mr Sharples also complained that he was wrongly reported as stating that he had been told by the party's Queensland Leader, Heather Hill, that a senior National Party MP was planning to defect to One Nation.

Mr Sharples insists he did not make the comment about Mrs Hill. The reporter is

adamant that he did. The Council is unable to determine the truth in this contest.

In any case, the newspaper offered Mr Sharples the right to send in a Letter to the Editor, setting out the facts as he saw them regarding the assertion about Mrs Hill.

Mr Sharples did not write a letter.

The Press Council holds that the newspaper did all that was reasonable in offering Mr Sharples an opportunity to reply, and it dismisses this aspect of the complaint.

ADJUDICATION NO. 990

The Press Council has upheld in part a complaint by Raymond Hoser against The Herald Sun, Melbourne, over a lack of balance in its letters column, following the fatal shooting of two Melbourne policemen in August.

Within two days of the shootings, Mr Hoser wrote to the paper, apparently on behalf of four bodies that he described as civil libertarian organisations - Whistleblowers Australia, Whistleblowers Network Australia, Australians Against Corruption and the Victorian Taxi Drivers League.

Mr Hoser's letter condemned the killings and expressed sympathies to the families and friends of the policemen. According to Mr Hoser "the letter was sent so soon after the shootings in order to pre-empt any negative and potential criticisms from persons who have previously complained about civil libertarians who allegedly are noisy and critical when police attack and/or shoot people, but are strangely quiet when police are shot at by criminals".

The letter was not published. The Herald Sun said it did not consider the organisations on whose behalf Mr Hoser had written as representative of the civil liberties movement. His repeated resubmission of the letter over a ten-day period failed to change the paper's mind.

During the weeks after the shootings however, The Herald Sun did publish at least five letters condemning the alleged silence of civil libertarians about violence against the police. None singled out any particular organisation for criticism, and the paper still found no reason to publish Mr Hoser's letter.

Finally, over a month after the shootings, the paper received and published a letter from the Australian Civil Liberties Union similar in content to Mr Hoser's.

The Press Council believes The Herald Sun was fully entitled to reach its own conclusions about the standing of the groups represented by Mr Hoser. The paper was under no obligation to accept at face value his assertion that they were representative of the civil liberties movement.

However, the paper was clearly willing to publish several criticisms of civil libertarians soon after the killings, knowing that it had at least one correspondent who was vigorously advancing a different perspective. Timely

publication of Mr Hoser's letter (or, as he himself observed, of any other one with similar views) would have provided balance to debate on this issue in the letters column.

To the extent that such balance was lacking, the complaint is upheld.

ADJUDICATION NO. 991

The Press Council has not upheld a series of complaints from Victoria's LaTrobe Shire against The Herald Sun, The Age and The Sunshine Coast Daily over reports and features covering the township of Moe.

The Shire says that residents of Moe believe that they and their town have been denigrated in articles providing background to the disappearance and death of a child and the subsequent charging of a man with murder. Another incident involved the throwing of a pig's head and rocks through the window of a house. Several of the people involved are linked in complicated relationships.

Broadly, the papers describe the events as bizarre, the town is seen as disintegrating through the loss of many jobs in the power industry; the houses are, by implication, dreary; there are said to be weirdos around the town; it is a "struggle town", a "dumping ground" for Melbourne's single mothers because of the availability of cheap government housing; a town of tangled relationships.

The perspectives of the newspapers and the complainant are well-founded, but the Press Council finds no breach of principles in the coverage.

The town's residents object to being tarred with the same brush as touches one small section of the community, but they also appear to accuse the press of some 'plot' to hold Moe up to scorn. They ignore the overall note of sympathy that runs through many of the stories, emphasising the impact of the jobs lost through the restructuring of Victoria's power industry.

The papers point out that the background, colour articles are written by well-known feature writers, several of them previous journalism prize-winners.

In such background and colour writing there must inevitably be a degree of personal opinion and perception, which hardly needs the label of opinion. However, there can be no doubt that adverse judgments need to be carefully considered with an eye to the impact they will have on innocent bystanders.

The Shire case is long, extremely well documented and carefully presented after testing it against a panel of local people and two non-local academics. However, the Press Council does not believe that the overall tenor of the articles was damaging to Moe. It notes that the Victorian papers printed letters from the LaTrobe Valley critical of the articles; The Age summed

up its reply to the complaints thus: "At no time did The Age seek to present all the people of Moe as 'problem' people. However, to ignore the fact that there were problems in the town - problems that while not unique to Moe were in some ways more intense than in most country towns - would have been to misrepresent the true situation."

The Shire complaint points to one particular error in an Age article: the number of jobs lost was given as 18,000, whereas it should have been 8,000 lost in the valley, 40 per cent of them in Moe. This is clearly a slip which could have easily been corrected by submission of an immediate response to the paper.

While believing that the press has not breached ethical principles in this matter, the Press Council reminds papers of the dangers of appearing too ready to categorise people ... and places.

ADJUDICATION NO. 992

The Press Council has dismissed a complaint by R M Barstow about The Age's description of dock workers affected by the recent nationwide waterfront dispute as "sacked wharfies".

Mr Barstow pointed to comments attributed to the Chief Justice, Sir Gerard Brennan, following a High Court order requiring the Patrick stevedoring company to renew contracts it had sought to terminate with four labour-hire companies employing members of the Maritime Union of Australia (MUA).

The comments, quoted in The Age, included a statement by the Chief Justice that "None of the MUA employees has been dismissed by the employer".

Mr Barstow contrasted this statement with several references in other Age reports published on the same day to "sacked" employees. In his complaint to the Press Council, and in a letter to the paper, he sought clarification of what he considered to be an inconsistency in reporting.

The Press Council finds no such inconsistency between the various Age articles.

It is true that none of the four labour-hire companies had dismissed the MUA workers. However, the Patrick stevedoring company did terminate contracts with the companies in an unsuccessful attempt to deal solely with non-union waterfront labour. By so doing, Patrick effectively "sacked" the labour sources that it had itself established - a legal artifice which lay at the heart of the waterfront dispute and the High Court decision.

In these circumstances, the Council believes it was acceptable for The Age to apply the commonly used term "sacked" to the labour-hire companies' workers.

ADJUDICATION NO. 993

The Press Council has dismissed a complaint against The Courier-Mail, Brisbane, over its report of an inquest into the disappearance of a woman.

The complaint was made by Gavin Bird, with the support of the Schizophrenia Fellowship of South Queensland. He objected to the inclusion of the name of "confessed killer Ross Farrah" and the use by the paper of a photograph of him in the report. Farrah's mother endorsed the complaint.

The Press Council sees the report as a straight-forward cover of the inquest, into which Farrah's name was introduced both by a police witness and the legal counsel for the mother of the then missing woman, (her body was found much later). No evidence of any link was given, other than that Farrah had lived near the area where the missing woman was last seen.

The paper was perfectly entitled to use the name and picture in a fair and accurate report of the inquest.

The complainant claims that the paper ran the inquest report as part of its campaign to change the Queensland law on the way in which the mental state of accused people is decided. Queensland, unlike the rest of Australia, has a Mental Health Tribunal made up of a judge and two psychiatrists who can determine whether a person is fit to stand trial or was of unsound mind at the time of the alleged offence. Elsewhere these issues can only be decided by a jury.

The paper agrees that it is advocating a change in the law, but it denies that was the reason for running the inquest report. The Press Council accepts that.

ADJUDICATION NO. 994

The Press Council has considered a complaint over an article by columnist Piers Akerman entitled "MUA's neat legal sidestep" which appeared in The Daily Telegraph of 7 July 1998.

Bernard Ellis complained that the article refers to the MUA as an "historically corrupt union". As a member of the absorbed Seamen's Union of Australia and subsequently the Maritime Union of Australia (MUA), Mr Ellis said there was no basis for describing the MUA as "historically corrupt".

The Press Council is unable to judge whether the columnist was referring to the past behaviour of the union bodies which came together to form the MUA or whether he intended to attach the "historically corrupt" label to its continuing actions today.

However the description is clearly the columnist's opinion in a column which has a reputation for forthright, often controversial, opinion.

The complaint is not upheld.

ADJUDICATION NO. 995

The Australian Press Council has upheld a complaint against The Daily Telegraph, Sydney, over a story which claimed that John Williams had urged NSW MPs to sack Justice Vince Bruce on the eve of an Upper House vote over the future of the judge.

At the time Justice Bruce was still to deliver a judgment in a case involving Mr Williams. Mr Williams complained that both the headline to the story (Sack judge Bruce - he ruined me) and its introductory paragraph drew a totally false inference from comments he made to a Daily Telegraph reporter that MPs should "consider all the evidence and come to a considered judgement", and "... if they feel the evidence is overwhelming, then they should vote to remove him".

Mr Williams also complained that the report inferred that his motive was vindictive because it alleged that the judge's procrastination in delivering a judgment had "ruined" Mr Williams when in fact he had only admitted to financial difficulties arising out of the delay which had required him to find other work.

Although there was some discrepancy in the accounts given by Mr Williams and the newspaper as to what had been said in the interview with The Daily Telegraph, there was nothing in the newspaper's account to justify a report that Mr Williams had urged MPs to "sack" the judge or that his business had been "ruined".

This was a distortion of the facts and potentially harmful to Mr Williams.

ADJUDICATION NO. 996

The Australian Press Council has upheld in part a complaint from Ray Connor MLA against the Gold Coast Bulletin over a report headlined "Burke bids to lick jam" published 12 June 1998, the day before the Queensland State elections.

A photograph of Nerang Labor candidate, Peter Burke, with a car and campaign hoardings parked near the Ross Street bridge, a traffic bottleneck, was included in the report.

One of Mr Burke's hoardings read "This road is not good enough, Mr Connor" and he is quoted as calling on Liberal Nerang MP Ray Connor to act on the original proposal to make the bridge four lanes. The newspaper quotes Mr Burke as saying, "Under the current roads funding projects, Ross Street is not listed for the next five years. It's unacceptable".

Mr Connor protested to the paper saying they had not contacted him to get his version of the situation, nor had it sought documents from various sources detailing bridge funding. He claimed that the article was designed to do maximum damage to

his position the day before the election.

A report "Bridge snarls traded" which in part expressed Mr Connor's views was published the next day but a photograph, he expected to be published with the story, was not.

Mr Connor states, in his original complaint, that the "not listed" claim was blatantly untrue. He submits a State-funded Roads Infrastructure Program for the five-year timeframe, 1997-98 to 2001-02, and beyond.

The Main Roads document gives the following figures for Ross Street bridge works: total cost \$5 million; approved allocation of funds nil; indicative forward allocation \$1.5 million to 2002; and \$3.5 million beyond that time. Forward allocations have a qualification of priority and availability of funds. These figures do not support Mr Connor's claim that the Main Roads documents clearly show \$5 million allocated for the Ross Street bridge duplication over a five year timeframe.

Figures and statistics can be interpreted in different ways. The Press Council does not consider the papers breached its principles in publishing Mr Burke's interpretation of fund allocations.

While the paper made some amends in publishing Mr Connor's side of the story the next day, because the original reference by his opponent was on the day before the election, the paper should have sought the complainant's views for publication in the original article.

To this extent the complaint is upheld.

ADJUDICATION NO. 997

The Australian Press Council has partly upheld a complaint by Julia Walkden against the Townsville Bulletin over a reference comparing her with corporate fugitive Christopher Skase in a bylined column of opinion.

Ms Walkden makes several complaints against the newspaper which emanate from long-running disputes she has had with the Townsville City Council (TCC) over development on Magnetic Island, the non payment of large court expenses when she lost a Supreme Court action against the TCC and the Townsville Bulletin's reporting of these matters.

In the Press Council's opinion, nearly all the reporting was fair reporting of local public issues or reasonable comment in a column obviously dedicated to vigorous comment on local matters.

But where the newspaper erred was in its reaction to a bylined column item on 29 June 1998 which said that Ms Walkden "has been finally nabbed" over the outstanding court costs. "Summonses were served last week soon after she arrived on [Magnetic] island, ending months of cat and mouse tactics that made Christopher Skase look amateurish," the column said.

Ms Walkden wrote to the paper protesting that, after twice initiating contact with the servers, she had in fact been served with the summons at her Brisbane home and that the reference to Skase was "extremely damaging to my reputation".

In the next column, on 6 July, the commentator corrected the detail about where the summons was served. But neither then nor later was the complainant given the chance to rebut the reference to Skase, based on the paper's belief that she had been elusive and the TCC had been unable to serve the summons over a period of several years.

The Press Council agrees that Mr Skase's avoidance of attempts to return him to Australia to face charges of corporate dishonesty has become so notorious that a comparison with him over "dodging" court orders could be extremely damaging.

There is conflicting evidence about Ms Walkden's addresses over the period when she was being sought for the summonses to be served and the Press Council is not in a position to test the evidence.

It does not need to. Under the Press Council principles it appears that while the newspaper was fair to the complainant over a long period, it did fail to provide an opportunity for her to dispute the serious, but contentious, accusation that she was Skase-like.

ADJUDICATION NO. 998

The Press Council has dismissed a complaint brought by Bruce Whittle against The Sydney Morning Herald regarding an article "Senate report lashes Williams" published in its 7 July 1998 edition.

The thrust of the complaint was that the article was inaccurate and a "grossly unfair representation" of a report of the Senate Committee of Privileges. The article had reported that the Senate Committee had "strongly criticised" the Federal Attorney-General, Daryl Williams QC, and his department "over their attempts to stop a Senate Committee receiving damning legal advice on the Wik bill from the Australian Law Reform Commission".

Mr Whittle took objection to the heading and the first four paragraphs of the article. The article was a truncated version of the report of the Senate Committee; and the first part of the article was perhaps more definite than justified by the Committee report. However, it was reasonable to infer from several sections of the report, including the last four paragraphs, that it contained criticism of the Attorney-General and his department. The Senate Committee found it "particularly disturbing" that the issue pertaining to the rights and responsibilities of, and protection afforded to, witnesses before parliamentary committees should have arisen yet again. The Senate Committee said:

It appears, from the evidence, that the highest levels of the Attorney-General's Department itself, as well as yet another statutory body under its jurisdiction, have failed to take into account this most basic requirement.

Whether such a criticism is "strong" or amounts to a "lashing" is a matter of opinion.

The Council believes that the article should have given greater emphasis to the report's exoneration of the Attorney-General and his officers.

However, the publication of the article led to communications between the office of the Attorney-General and the newspaper which resulted in an agreed letter being published on 11 July 1998. The newspaper acted promptly in accordance with Press Council rulings regarding the provision of an opportunity for reply to an aggrieved party. The Press Council believes, in this case, that should have been the end of the matter.

ADJUDICATION NO. 999

The Press Council has dismissed a complaint from shareholder activist Jack Tilburn against The Sydney Morning Herald.

The paper reported accurately that Mr Tilburn had been put on a good-behaviour bond for 18 months after being found guilty of fraud on a household insurance policy with insurer GIO Australia, and that he had been ordered to pay a "relatively small amount of money" to GIO.

The paper, in its CBD section, also said, wrongly, that an order for community service had been made. The item included a cartoon representation of Mr Tilburn, with the caption, "Jack Tilburn ... community service order".

Two days later in the same CBD section the paper corrected the community service statement, and expressed regret for the error. It reported accurately that Mr Tilburn had been ordered to pay \$4400 to GIO after making a false and misleading statement with intent to obtain an advantage.

The Press Council believes that the paper acted correctly in reporting what had happened in open court, since Mr Tilburn's stand on company accountability is well-known. The newspaper also acted correctly in promptly correcting the error in the report.

ADJUDICATION NO. 1000

The Australian Press Council has dismissed a complaint by Trish Draper, the Federal Member for Makin, against the Leader Messenger over an article in the paper of 22 July 1998 headed "When two press releases on health funds just don't add up". The Council considers that the

article was a fair report of inconsistencies between two press releases bearing the same date issued by Mrs Draper's office, and rightly pointed out that claims made in the first release were misleading.

The first press release received by the Leader Messenger indicated that "an additional grant of \$287,826" would be made available by the Federal Government for one Aged Care Assessment Team in Mrs Draper's electorate and another team "will benefit from the \$489,825 boost". These figures were published by the paper on 8 July 1998.

Following queries on the claimed increases raised by the ALP candidate for Makin, the paper contacted Mrs Draper's office. A fresh news release dated the same day as the earlier one was sent to the paper. In the second press release, the amount that had previously been described as an additional grant was changed to funding "extended to" the amount stated. The amount previously described as a "boost" was now referred to as an overall budget.

The Council understands that the increase in funding amounted to \$4,000. Mrs Draper sought to explain the inconsistency between the press releases on the basis that the first was a draft. However, it had been sent through the normal channels and the paper had relied upon it in writing the first article.

The Council considers that the paper was entitled to draw its readers' attention to the differences between the press releases, particularly as it had reported the misleading contents of the first.

Mrs Draper also complained that the article unnecessarily referred to a mistake in a press release that she had issued in March 1998. As it was not disputed that the mistake had occurred, it does not seem to the Council that it was unreasonable for the paper to allude to this previous inaccuracy.

ADJUDICATION NO. 1001

The Press Council has upheld a complaint by Karin Geradts against The Advertiser, Eltham, Victoria, about a front page article attacking a proposed rate levy designed to benefit local Aboriginal people. However it dismissed Ms Geradts' complaint against an editorial on the same subject.

The article, one of two short pieces published on a page otherwise occupied by display advertisements and the paper's masthead, appeared under the banner headline "\$5 LEVY - EACH!".

The first paragraph read, "ALL HOUSEHOLDS will pay a \$5 annual levy on their rates - with the cash being paid directly to the local Aboriginal community". The second paragraph

added that this was an "\$85,000 idea put by the Wurundjeri Tribe, Land and Compensation Cultural Heritage Council" to the Nillumbik Shire Council.

The editorial on the following page was devoted to vigorous criticism of the Shire Council, and of the rate levy proposal described by the Aboriginal leader who proposed it as a "Paying The Rent Concept".

Ms Geradts complained that in the context of the "current race debate", the two pieces were "scandalous, inciteful, hysterical, and offensive to the general public" and to the individuals and organisations criticised by The Advertiser.

She refused to write to the paper to put her views, stating that the editor had, in the past, used her letters as feature articles that merely served to "perpetuate his 'rag'".

The paper, with equal vigour, insisted that the article was "nothing but historical fact, as borne out by the Nillumbik Shire Council minutes". It defended its right to publish

editorial comment as it saw fit.

The Press Council has consistently supported a newspaper's right to express its opinions in an editorial, and does so in the case of this particular editorial. Whatever Ms Geradts' reason for refusing to write to the paper, the editorial itself clearly did not put The Advertiser in breach of the Press Council's principles.

The article, however, omitted to emphasise to readers that the "Paying The Rent Concept" was only a submission on which the Shire Council intended to seek community views before responding.

The article's strident headline, its lead sentence as quoted above and reference to an earlier reconciliation initiative supported by the Shire all created an impression that the rate levy proposal was considerably closer to being adopted than it actually was. To the extent that this lack of balance was potentially misleading to readers, the complaint is upheld.

ABOUT THE PRESS COUNCIL

The Australian Press Council was established in 1976 with the responsibility of preserving the freedom of the press within Australia and ensuring the maintenance of the highest journalistic standards, while at the same time serving as a forum to which anyone may take a complaint concerning the press.

It is funded by the newspaper industry, and its authority rests on the willingness of publishers and editors to respect the Council's views, to adhere voluntarily to ethical standards and to admit mistakes publicly.

The Council consists of 21 members. Apart from the chairman (who must have no association with the press), there are 10 publishers' nominees, seven public members, two journalist members and an editor member. The newspapers' representatives are drawn from the ranks of metropolitan, suburban, regional and country publishers as well as from AAP. The public is represented by people from all walks of life, none of whom can have had any previous connection with the press.

The Press Council is able to amend its constitution with the approval of its constituent bodies. Significantly, great importance is placed on members acting as individuals rather than as the representatives of their appointing organisations.

All Press Council adjudications are available at: <http://www.austlii.edu.au/au/other/apc>

Complaints Procedure

If you have a complaint against a newspaper or periodical, you should first take it up with the editor or another representative of the publication.

If the complaint is not resolved to your satisfaction, you may refer it to the Australian Press Council. A complaint must be specific, in writing, and accompanied by a cutting or clear photostat of the matter complained of, with supporting documents or evidence, if any. Complaints must be lodged within three months of publication.

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 legal rights.

Address complaints or inquiries to:

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A booklet setting out the aims, practices and procedures of the Council is available free from the above address.

It, together with other relevant material, is available from the Council website: <http://www.presscouncil.org.au/>

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Lay-out by Jack R Herman; Printing: Print Mail © Australian Press Council, 1998