

A JOURNALIST'S VIEW

MARGARET JONES retires this month after nine years as a journalist member of the Press Council. Here she looks back on her three terms on the Council, and examines some public misconceptions about the Council and its work.

When I was on holidays in Italy last year, I sent a postcard bought in Pompeii to the Council secretariat. It was a first century mosaic showing a ferocious guard dog outside a house, and bore the legend *Cave Canem: Beware Of The Dog*. On the back of the postcard I suggested that this might make an appropriate logo for the Press Council.

I was not, of course, serious. The Press Council does not snarl or bite. But then, neither is it a publishers' poodle nor an industry lapdog as the Council's critics regularly suggest. Nor is it a toothless tiger, or, as one dissatisfied complainant recently called it (seeing this as the ultimate putdown) a paper cat. A conscientious but courteous watchdog is not a bad analogy.

Those who complain of toothlessness and want the Council to be more punitive and proactive never seem willing to take what would be the next logical step and suggest how the Council should be empowered to punish offenders. Fines for newspapers? Editors in the stocks? Suspension or dismissal for journalists? The APC has no such powers nor should it have. It is not a court of law, nor are its processes legalistic. One of its chief virtues is that it offers informal hearings so that complainants who would be frightened off by more rigid procedures are emboldened to come to it with their grievances.

Problems do arise sometimes out of this very informality. A number of complainants have unreal



expectations, and demand that the Council conduct investigations on its own account, and force newspapers to publish retractions and/or apologies. When they discover that this is not how the APC works, they become resentful and critical, and reluctant to accept Council adjudications. During the time I have been on the Council, it seems to me that the number of appeals against decisions has greatly increased.

Another public misconception is about funding. I have been asked a number of times who funds the work of the Council, and when I say it is financed by the industry itself, the reaction is often shock and derision. How can its findings then be trusted, the critics ask. The reply is obvious: Who do they expect to fund the Council? The Federal or State Governments? The dangers here are so apparent that even the most vocal critics back off. The Press Council is a self-regulatory body, so of course it finances itself, just as the legal and medical professions finance their regulatory procedures.

The other question that often crops up

is why the journalists' own professional association, formerly the AJA now the MEAA, is not a member of the Council. I find it harder to answer this one. Since the AJA left the Council in 1987, it has taken a tiresomely vacillating stance over whether or not it wants to rejoin. I strongly believe the MEAA should come back onto the Council, and that its presence would further increase the Council's credibility. It is only fair to say that this is an individual view, to be expected from a lifelong union member, but one not shared by a number of others on the Council. There seem to be stirrings again this year in MEAA headquarters, so it will be interesting to see whether negotiations for a return will at last take place.

To go back to common misconceptions, another is that the Council is purely an industry body. The fact that half the members are public members is not known, or ignored, sometimes deliberately. Yet the public members are probably the Council's most important component. Industry members who have spent a lifetime in newspapers tend to think along similar lines. With public members, it is impossible to know how they are going to vote on specific issues, and this gives the Council added strength.

One of the rewards for me during my time on the APC has been the contact with the public members: people from amazingly diverse backgrounds who are interested in the press, and have taken the trouble to study it and learn something about it, instead of

indulging in the kneejerk reactions of many newspaper readers. It would be interesting to make a small survey of the occupations of public members: I can remember a schoolteacher or two, a country postmaster, a liquor salesman, a clergyman, an architect, a former diplomat, an accountant, academics, social workers, public servants, Aboriginal activists, and, of course, the lawyers, notably the occupants of the Council chair.

Public members are often a little shy when they come on the Council and are confronted with the apparent certainties of the industry members, but they are all strong minded people, and strong in the integrity line as well. It never takes long for them to find their voices, and they are not easily swayed by rhetoric.

Towards the end of last year, the APC lost the chairman who had served it for 10 years. David Flint's main contribution during that time was to raise its public profile, not only at home but abroad, in the work he did, both participatory and advisory, with

the World Association of Press Councils. Through his media appearances, the APC began to impinge much more on public consciousness than it had done in the past, not only in the work it does for giving complainants a voice, but also in the freedom of the press area, one of his principal passions.

This year the Council has a new chairman, another distinguished academic lawyer, Professor Dennis Pearce, whose former role as Commonwealth Ombudsman brings added weight to the job.

In my last month on the Council, I've been looking not only backward over the past nine years, but also forward, and I think the APC still has some important and difficult work to do. It has streamlined its complaints procedures, and the Complaints Committee and the Freedom of the Press Committee both work well.

What it must also do is to continue to reach out even more into the community, meeting in areas away from Sydney, and running seminars to involve local people, and convince them

that the Press Council is not some remote citified body which has little to do with real life. Prizes for essays by secondary and tertiary students have been a useful tool in broadening discussion on press ethics, as have the case studies exercises held in recent years.

Probably the Council's most useful role will be in attempting to break down the concept, which seems to me to be gathering momentum at a dangerous speed, that the media, as a whole, is totally untrustworthy, and that "you can't believe anything you read in the papers". This mindless mantra is repeated over and over. There is evidence that children hear it from the lips of their parents and, more damagingly, from school teachers. That seems to me very sad. A free press remains, even in the cyberspace era, one of the most important components of a democratic society.

MARGARET JONES

LETTER TO THE EDITOR

In last November's issue of *Australian Press Council News*, the Press Council's views on the *Costs in Criminal Cases Amendment Bill 1997 (NSW)* were outlined. This Bill would make media organisations liable for the costs occasioned by a criminal jury trial being aborted on account of publications which were held to be in contempt because of the risk of influence on the jury. It undoubtedly has defects, some of which I have tried to identify in an article also published in November, in the *Gazette of Law and Journalism*. But the Council's criticism of it is overstated, for two important reasons.

First, it conveys an unduly broad impression of the Bill's scope of operation. It does this particularly by suggesting that it would inflict costs liability in situations such as a newspaper report of the Police Minister's comments, made last September, at the launch of a

paedophilia phone-in. These comments induced two judges to abort current jury trials. But as was quickly acknowledged on all sides, neither the comments nor the press reports of them were at any real risk of being held in contempt of court. This is because they dealt with issues of general public concern and did not refer, either expressly or by implication, to the specific trials. For any costs liability to arise under the Bill, there must be *both* contempt liability *and* an aborted trial, a combination of events that as far as I can ascertain has occurred only 12 times in Australia in the last 18 years. This double requirement makes the potential scope of the Bill a good deal narrower than the Press Council's description of it suggests.

Secondly and more significantly, the Press Council's considered reaction to the Bill should have at least mentioned the considerable harm that may be inflicted by premature termination of a

jury trial. The Council's role obviously includes asserting publicly the importance of freedom of the press. But it should also draw attention to those situations where misuse, deliberate or careless, of this freedom is likely to have damaging consequences for individuals. It is not simply a matter of greater cost and inconvenience. If the trial of an accused man who has been remanded in custody has to be terminated and restarted because of a prejudicial newspaper article, and the accused is then acquitted, he will have spent unnecessary and unjustifiable extra time behind bars because the newspaper did not sufficiently respect his right to a fair trial.

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