



The National Ethnic and Multicultural  
Broadcasters' Council (NEMBC)

NEMBC Supplementary Submission to the  
**Joint Standing Committee on Migration  
Inquiry into Multiculturalism**

2012

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The NEMBC thanks the Joint Standing Committee on Migration for the opportunity to participate in the Public Hearing, held in Melbourne on the 26<sup>th</sup> of October 2011. Following that Hearing the NEMBC would like to add some supplementary information to the *Inquiry into Multiculturalism*, and to further highlight the concern it has about the high levels of vilification and flagrant attacks on refugees and asylum seekers in commercial talk-back radio and tabloid publications. This skewed coverage of Australian society in the mainstream media does not encourage the level of understanding and 'equal dialogues'<sup>1</sup> between diverse communities which are essential for a successful multicultural society.

#### **The NEMBC further recommends:**

- 1) Cases of racism in the media should be: responded to in a timely manner; dealt with appropriately and indeed more severely, and especially when a case of racism reaches a large portion of the population. An overarching multicultural policy and appropriate processes should apply to make this become a reality.
- 2) The establishment of a new media regulatory body for all media platforms; both options suggested by the Convergence Review and the Finkelstein Report should be considered however the option proposed by the Finkelstein Report—a News Media Council funded by government with arms-length guidelines and safeguards—will mean a more accountable, sustainable and *effective* new regulatory body.
- 3) Codes of Practice need to be adhered to and media outlets should uphold high standards of reporting and act promptly to right any wrongs in their practices. An overarching multicultural policy should point to these standards and codes as being important in maintaining a harmonious and multicultural society.
- 4) A multicultural policy should look at improving standards and media practices with a view to strengthening training on multicultural issues, and developing better cross cultural communication. Currently, once a breach has occurred most compliance requirements involve further training—prior training would be a more desirable approach.

#### **1) Recent Events in Australian Media**

**This year has seen two significant reviews of the Australian media; the *Digital Convergence Review* and the *Independent Inquiry into the Media*. Both inquiries found the present systems of regulation or self-regulation by the Australian media are not sufficient. They have therefore called for a new media regulator to oversee journalism standards for news and commentary across all platforms in Australia.**

The *Digital Convergence Review* was undertaken in response to the way that media distribution has rapidly changed with new technologies. It looked at policy and regulatory frameworks and the broader communications landscape in Australia. The *Independent Inquiry into the Media* looked at the effectiveness of the current media codes of practice in Australia and the ability of the media to operate according to regulations, and in the public interest. The latter inquiry resulted in the *Finkelstein Report*, released by Ray Finkelstein QC on 2 March 2012.

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<sup>1</sup> FECCA encourages 'equal dialogues' and equality of all cultures in, *Different but Equal: FECCA's National Multicultural Agenda*, FECCA: Canberra 2010.

The *Independent Inquiry* was a reaction to the *News Of the World* phone hacking investigation and followed calls, from Senator Bob Brown, that some sections of the media were biased to the point of running particularly vicious campaigns.

The views between news reporting and opinion are becoming increasingly blurred. While some politicians have been receiving a disproportionate amount of 'hate' from the media, vulnerable minorities and those most unable to defend themselves in lengthy and expensive legal battles, have also been targeted. The mainstream media often sensationalises race related issues, for example type casting 'ethnic gangs' and most notably 'boat people'.

The following case studies are a number of high profile examples of racism and vilification in the Australian media.

These examples demonstrate that the current practice of media self-regulation does not work and that a better way of enforcing existing codes of practice is needed. In most cases, and often years later, the only consequence is that staff needs more training. These examples show that there is very limited acknowledgement of the level of damage to the community, that processes are lengthy, and that there are very limited ramifications for media organisations or the offending individuals.

To see more stories and links to further information go to the NEMBC website, in resources: [www.nembc.org.au/info\\_pages\\_nembc.php/pages\\_id/80](http://www.nembc.org.au/info_pages_nembc.php/pages_id/80)

### **Cronulla Riots**

**In December 2005, Australia experienced one of its worst modern episodes of racial and civil unrest in the suburb of Cronulla in Sydney.**

2GB's Alan Jones was broadcasting his *'Breakfast with Alan Jones'* from the 5-9 of December 2005. The phones rang hot during the week and many remarks were made against people from Middle Eastern backgrounds. A caller to the program asked what type of '*grubs*' were causing the violence and while Alan Jones said "we are not allowed to say", Jones then said "well, I'll tell you what kind of grubs this lot were. This lot were Middle-Eastern grubs" —and so it went on. Another caller's comments were to the effect that forming vigilante groups was the way to go and "if the police can't do the job, the next tier is us" and "shoot one, the rest will run" to which Alan Jones gave responses of Yes, laughter and said "Yeah, good on you".

Jones read out a text message, first stating that "it gets pretty nasty when you start talking like this", and he continued to read the text message: "This Sunday, every Aussie in the Shire get down to North Cronulla to support Leb and Wog bashing day". Later Jones asked young people not to go, stating "things would only get worse". Complainants said the program encouraged and incited racial hatred and vilified people of Lebanese and middle Eastern background.

In April 2007 the *Australian Communications and Media Authority (ACMA)* produced an 83 page report, finding that Jones did broadcast comments likely to vilify people of Middle Eastern descent and encourage violence in the lead-up to the Cronulla race riots and that the program was not presented reasonably and in good faith.

ACMA said that complaints about isolated comments should be considered in the context of the whole broadcast and so fell short of finding that Jones had 'incited violence' and that there had been no direct causative link to actual violence. Jones therefore did not have to face a criminal charge.

At times during the week Jones, for example, had said "we need appropriate, trained, law enforcement authorities to do the job" and had cautioned people not to take the law into their own hands. ACMA also found the 'laughter' did not have a tone of agreement.

In June 2007, one and a half years after the riots, ACMA agreed that 2GB would introduce a comprehensive training program on vilification intended to ensure its future

compliance with the code. The new training is to be provided to all presenters, producers and on-air staff to the satisfaction of ACMA, and ACMA would revisit and consider heightened compliance options if not satisfied.

### **Media Wrongly Accuse Africans**

**Three national commercial TV stations were involved in a very well-known case of false accusations and vilification of Africans. They screened stories on prime-time evening news accusing African gangs of violence, when in fact those involved were not African.**

Images of a fight in a bottle shop captured by closed-circuit television (CCTV) cameras were shown on TV in October 2007. The faces of those involved were blocked out, and the news stories stated that the images showed violence by a Sudanese gang.

ABC's *Media Watch* then screened the images without the faces blocked out, clearly showing that NO Africans were involved in fighting. It is incomprehensible that Channels 7, 9 and 10, repeatedly played the same images with the blocked out faces and all falsely reported that they were Africans.

The reports were sensationalist, using language such as;

“put racism claims aside for a moment. Because tonight we can show you the terror experienced by a Noble Park shopkeeper at the hands of an ethnic gang. They've been identified by police as predominantly Sudanese youths caught on camera stealing and striking fear into those around them...”

And:

“Angry locals in Melbourne...have welcomed the Federal Government's move to ban African refugees. They blame Sudanese gangs for an outbreak of violence.”

The police found that those involved were neither Sudanese nor African.

The false reporting of this story fuelled racism, distorted and inflated facts and demonised Africans. ABC's *Media Watch* summed it up: “It's a classic case of the commercial networks long held obsession with so-called ethnic gangs, and when they added dishonesty to that mix they did a serious disservice to African migrants.

The case was put to the ACMA in December 2007 and they ruled that there were breaches:

“In each case, the ACMA found that the licensee's verbal commentary, the footage broadcast and the omission of clarifying information on such an important element of the news story meant that the CCTV footage of violence attributed to Sudanese gangs was not presented accurately as viewers would have inferred they were being shown visual evidence of Sudanese gang activity.”

In November 2009, two years after the events, the ACMA found there had been a breach. They ruled that additional staff training should be provided by the stations. The ACMA 'investigation report' was to be distributed to news staff and used as an example in regular staff training sessions to assist in achieving future compliance. The ACMA said they would monitor closely for further breaches.

### **The “Gang of 49”**

**It's 2007 and the Adelaide Advertiser has received police information about 49 young, mostly indigenous youths who are 'people of interest' in regards to a number of crimes across the city. It's a headline too good to ignore and thus the “Gang of 49” is born. Since then over 150 articles have been published by the mainstream media about the “Gang of 49”, the only problem is, the gang doesn't exist.**

The crimes are real, the suspects are real, but there is no organised gang of criminals by

that name. ABC TV show *Hungry Beast* investigated the so-called 'Gang' in 2010, and found the sensational reporting was actually creating a problem. The more the media sensationalised the crimes and referred to the "Gang of 49", the more the young people began to believe it.

Counsellor Tony Minniecon from *Adelaide Juvenile Detention Centres* has worked with some of the young people involved. He said: "The press has created this gang of 49 and the boys have got it in their head that, okay, there wasn't a gang before, let's make a gang now."

Talkback hosts and media commentators have also sought to demonise the people involved, further alienating them and ignoring the complexity of the situation

"Some of these kids are the most evil in the world, and, they're 10 and 12 years old" said Bob Francis of *5AA*.

While it might be convenient and popular for the media to come up with labels to describe events, people or situations, it is not in the public interest to glamourize crime or to further encourage the marginalisation of people who need support from the whole community.

<http://www.abc.net.au/tv/hungrybeast/stories/gang-49-gang-never-was/index.html>

### **QUIZ on 'Boat people' Deaths**

**When a boat carrying asylum seekers sank at Christmas Island in December 2010, 2GB's Chris Smith conducted a quiz competition to guess the number of deaths.**

Six callers were permitted to guess the number of deaths on-air and when the sixth caller correctly identified how many asylum-seekers had died, he excitedly exclaimed, "12 is spot on!" Clapping and cheering was broadcasted following caller six's correct answer and Smith congratulated caller six saying, "well done to you". He rewarded her with a DVD, movie pass and book. The quiz competition was broadcast the day before the funeral service took place.

*ACMA* found that Chris Smith had breached the decency standards of the *Commercial Radio Codes of Practice*. The *ACMA* report says "that the broader community and the audience of the particular program were offended by the content... The quiz competition conveyed an apparent irreverence for the serious nature of the incident." *ACMA* found that *2GB* did not breach the code of 'inciting hatred and contempt'.

*2GB* acknowledged that the quiz competition was "offensive, in very bad taste, and that it should not have been broadcast". Following receipt of complaints regarding the quiz, the presenter made two unconditional on-air apologies. In these circumstances, the *ACMA* does 'not propose to take further formal action'. *2GB* also agreed to provide a copy of the *ACMA*'s investigation report to presenters and producers as well to incorporate the report into compliance training material

### **Bolt Backfires in Racial Discrimination Case**

**Andrew Bolt and the company *Herald and Weekly Times* were taken to court by nine high profile Indigenous Australians for offences caused by a series of articles published in Melbourne's *Herald Sun*.**

The articles questioned light-skinned Aboriginal people and alleged they had received favours and benefits thanks to their self-identification as Aboriginal. The title of one *It's so hip to be black* gives you a fairly good idea of the tone of the article. Bolt believed

that we had moved past racism and that some people were identifying as Aboriginal because it was 'trendy' - nothing to do with the past or being from a stolen generation. Bolt stated "Let's get past all this race nonsense".

The complainants went straight to the *Commonwealth Racial Discrimination Act*, rather than a media regulator. Initially, the plaintiffs were not seeking damages, but apologies from both Bolt and his publisher. The demand for an apology from Bolt was dropped and the plaintiffs sought an apology only from the publisher.

No media regulator received complaints and the *Australian Press Council* was not asked to adjudicate. The Federal Court ruled that Bolt and the company, in 2009 in two articles, contravened the *Racial Discrimination Act* and they were ordered to run an apology the same size as the original articles. The judgement found that the articles were "reasonably likely to offend, insult, humiliate or intimidate some Aboriginal persons of mixed descent". The articles were "not written or published reasonably and in good faith", therefore disallowing Bolt a free speech exemption.

After a court case costing hundreds of thousands of dollars, and lasting four months, the *Herald Sun* ran the apologies.

### **Radio 'King' Boatpeople Tirade**

**This last case is a slightly better news story, at least in the outcome, and shows that something can be done. At least the DMG Radio Group, fellow journalists and Minister Bowen and Rankine got it right.**

In June 2012, Adelaide talkback radio 'king' Bob Francis, of *FIVEaa*, launched a tirade of abuse about asylum-seekers telling listeners he hoped asylum-seekers would drown before arriving by boat. "Bugger the boatpeople, I say. As far as I'm concerned, I hope they bloody drown out there on their way over here -- in my opinion they are not welcome here," Francis said.

Fellow journalists on *FIVEaa* came out against Francis and Peter van Onselen said he should be "kicked off the airwaves immediately" and that "kind of offensive rhetoric from Bob Francis should see him . . . conducting radio nowhere." Politicians also spoke out, Minister Chris Bowen: "that sort of statement is to be condemned" and Multicultural Affairs Minister Jennifer Rankine said those comments were "inflammatory and not representative of the community's views or Australian values."

The *ACMA* does not take action until the station had resolved any complaints. Fortunately in this case *DMG Radio Australia*, one of the country's largest radio networks, distanced themselves from Francis's remarks. Bob Francis was then suspended for a month. *DMG* management said: "Management have discussed it directly with Bob Francis," and he would be on "planned leave for approximately one month".

## **2) Media Affects Multiculturalism**

The Centre for Advanced Journalism at Melbourne University is currently investigating media representation of Sudanese Australians. A preliminary research study analysed newspaper coverage before and after the 2007 federal election – a period which also coincided with the tragic bashing death of Liep Gony. The analysis of 203 articles found that while not all coverage was negative, the majority of the stories represented Sudanese Australians problematically in relation to violence and integration into the

broader community.<sup>2</sup> Focus groups found that Sudanese Australians perceive that they are being portrayed inaccurately and unfairly by the media.<sup>3</sup> Further, negative media coverage has had broader, ongoing effects, with fewer Sudanese immigrants accepted into Australia and increased discrimination in employment and public places.<sup>4</sup>

Some recent research studies have also reported the damaging effect that some mainstream media reports have had on the lives of culturally and linguistically diverse (CALD) young people. In 2010 the Springvale Monash Legal Service found that misleading media imagery had the effect of CALD young people feeling that they are 'outsiders', 'foreign' and 'not local' in Australia.<sup>5</sup> More damaging to these young people's sense of belonging and security in Australia was that some of the media misrepresentation focused public paranoia on African young people congregating in public spaces, including, parks, outside shops, on the streets and even the outside areas of their own homes. The report also found that young people have limited skills and knowledge to counter any misleading media and few opportunities to represent themselves in the media and broader society.

Similarly, researchers for the Victorian Equal Opportunity and Human Rights Commission were repeatedly told that, 'there was a general fear of the media and a feeling that the media misrepresented African-Australians generally and Sudanese-Australians specifically'.<sup>6</sup> The researchers also noted the 'sense in the community that only 'bad' stories made the news and that this was disproportionate to the reality'.

Parallels can be drawn from a study by the Australian Research Council (ARC) into how those more vulnerable are treated by the media and how they are affected. The ARC project 'Vulnerability and the News Media' was conducted by a group of academic researchers who held a series of focus groups with vulnerable people whose circumstances brought them into contact with the news media. The report reflects many of the problems associated with people being misrepresented in the media. A police officer working with victims of crime who had been reported in the media stated "Ordinary people become victims/survivors and have no idea how to deal with the news media." Please see Annexure 1 'Media Coverage of Vulnerable People' for a list of transcripts of the focus groups with vulnerable people whose circumstances brought them into contact with the news media.

Spreading knowledge and understanding and encouraging cross-cultural dialogue will dispel fears and work to extinguish racism. These reports are just a few examples documenting how fear and racism has detrimental effects on the lives of diverse cultural communities in Australia and particularly their young people. Bridging this gap in knowledge, understanding and cultural exchange will facilitate greater social cohesion on a broader level

In any multicultural policy more should be done to address the levels of vilification and racism that are promulgated in certain sectors of the media. While freedom of expression is an important element to democracy, particular commentary that is vilifying

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<sup>2</sup> Media Treatment and Communication Needs of African-Australians: A Media Participation and Intervention Project, [http://www.caj.unimelb.edu.au/research/further\\_research](http://www.caj.unimelb.edu.au/research/further_research)

<sup>3</sup> In the period of 2007-2008, 55% of articles from the major Australian newspapers which discussed Sudanese Australians had violence as the central theme as opposed to 2010 which only had 24% of articles linking Sudanese with violence. Assoc. Prof Karen Farquharson, Media Images and Experiences of Sudanese Australia, Swinburne University, presentation at Aus-Sud forum, 18th June 2011.

<sup>4</sup> Ibid.

<sup>5</sup> 'Boys you wanna give me some action? Interventions into Policing into Radicalized Communities in Melbourne', Springvale Monash Legal Service, 2010.

<sup>6</sup> 'Rights of Passage: The experiences of Australian Sudanese Young People', VREOC.

and leads to racial and religious hatred needs to be strongly condemned and challenged by better use of the existing broadcast legislation. Very seldom in cases of racial vilification does the Compliance procedures use its power to make a significant difference or to suspend or cancel a licence, prosecute an offender or pursue a civil penalty.

### 3) The Need for Media Regulation

The NEMBC recently published an article in its *Ethnic Broadcasting Journal* from Professor Matthew Ricketson and, with permission, the text is provided below. The article is an abridged version of a public address given by Professor Ricketson. To hear the full public address go to the *Centre for Advanced Journalism* website: 'You Wouldn't Read About it: Everything you haven't been told about media accountability and the Finkelstein Inquiry' The University of Melbourne - Thursday 17 May.  
[http://caj.unimelb.edu.au/Resources\\_Library/Audio\\_video](http://caj.unimelb.edu.au/Resources_Library/Audio_video)

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#### Professor Matthew Ricketson's Article:

**Anyone who relied on the mainstream news media for their knowledge of the media inquiry's report released in March 2012 could be forgiven for thinking the *Finkelstein Report* would send Australia back to the Dark Ages, stop freedom of speech and turn the country into a fascist state run by Hitler's Brown Shirts. Such were the extremities and furiousness of the mainstream media's most negative reporting.**

It couldn't be further from the truth.

The *Finkelstein Report* grappled with the issue of: "How to accommodate the increasing and legitimate demand for press accountability, and to do so in a way that does not increase state power or inhibit the vigorous democratic role the press should play or undermine the key rationales for free speech and a free press" (Inquiry Report, p. 53).

The key recommendation was to set up a new statutory body, a *News Media Council (NMC)*, that would handle public complaints when standards of practice were breached. These standards would be set in consultation with the news media industry and most likely would be those already in place. The proposed council however would cover news and current affairs on all platforms – print, online, radio and television – and would be government funded.

The process for complaints would not be that different from now, where the government-funded *Australian Communications and Media Authority (ACMA)* or the *Australian Press Council* receives complaints, and when a complaint is upheld an apology is published or a correction or retraction is made. But under the *News Media Council* a successful complainant would have a legally enforceable right of reply, which is necessary because in the past Press Council adjudications have been buried or, occasionally, not printed.

The inquiry analysed public views about the trustworthiness, its influence, ethics, intrusiveness and responsiveness to complaints of the news media and examined 21 separate surveys taken over 45 years between 1966 and 2011. The findings revealed deep-seated and strongly held concerns about news media performance in Australia.

It is common ground, even among some commentators in the press, that the regulation of the news media is inconsistent, fragmented and ineffective. Without adequate means for ordinary people to have their complaints taken seriously, then the news media can behave pretty much as a law unto themselves.

## **Recognise the Need for Safeguards**

The inquiry's report explicitly acknowledged the legitimacy of concerns about potential government interference in media regulation. It would have secure funding from government but beyond that the government would have no role. "It is about making the news media more accountable to those covered in the news, and to the public generally". Addressing these concerns, a number of safeguards were recommended, on pages 290-92, including:

### **Make-up of the News Media Council**

- An independent body should appoint News Media Council members. Currently appointments to the Press Council are made by the council itself. That is not a particularly independent process. Appointments made to the NMC by a committee independent from government would be, and would be seen to be, independent.
- Half the members appointed to the *News Media Council* should be selected from the general public, with no connection to the media. The other half should be appointed from the media or have media backgrounds. The media representatives should exclude managers, directors and shareholders of media organisations. The candidates should be nominated by the media and Media Entertainment and Arts Alliance (MEAA).
- The News Media Council should consist of a full-time independent chair and 20 part-time members. The chair should be a retired judge or other eminent lawyer

### **Standards of Conduct for the News Media Council**

As mentioned earlier, the standards would be drawn from existing codes developed by the news media. Two kinds of standards should be developed: non-binding aspirational principles and more detailed standards that are similar to the journalists' union's code and the Press Council's standards. The standards should be reviewed at least every three years to ensure that they remain current and appropriate to the changing media environment

### **Funding for the News Media Council**

Government funding should come from consolidated revenue rather than a levy on the media. This is preferable to funding from the industry; to be funded by the press is not independent of the press.

Without protections, the same could be said of funding provided by the government. There are, however, ways in which the executive can be held to account if the parliament, for party political reasons, does not provide the NMC with sufficient funds. A process should involve the following steps:

- The NMC is to identify the funds it believes it needs for a three-year period in a submission to the Auditor General. Triennial funding permits long-term planning and hinders the capacity for government interference.
- The claim should be verified by the NMC's auditors as representing the NMC needs for that period.
- The claim should be assessed by the Auditor-General who should then certify what should be provided.
- If the executive decides that less than the amount certified by the Auditor-General is to be provided, the responsible minister should explain to parliament the reasons for not providing the certified amount.

## **The Convergence Review**

In my view, the report of the *Convergence Review Committee*, released two months after the *Finkelstein Report*, is not really an alternative solution, even though it is presented as such. The CRC report places its faith in continued industry self-regulation, an approach favoured by the print media companies.

Members of the news media industry would be compelled to join and to provide adequate funding, but the Convergence committee is silent on how you can compel people to join a self-regulatory body. The recent decision by *West Australian Newspapers* to withdraw from the Press Council, at a time when increasing funds were requested, underscores a core weakness of voluntary self-regulation.

## **Media Has Changed**

When the great struggles for freedom of the press were being fought hundreds of years ago, the press was made up mainly of “lonely pamphleteers” and small printeries standing up to the might of an autocratic monarch. Today there are media empires that reach well beyond the boundaries of nation states – *News Corporation* is the best known and most topical example, but there are others.

Media corporations are becoming more powerful, and government or academic recommendations are being ignored. Paul Chadwick, a respected media commentator, wrote as far back as 1996 that “media concentration has reached the point where no legislature would have the courage to enact a statutory scheme of journalism ethics and then to enforce it against the largest media outlets” (Inquiry Report, p. 209).

Alan Rusbridger, editor in chief of The *Guardian* newspaper went further, when speaking about lack of action over the phone hacking scandal: “The simplest explanation is a combination of fear, dominance and immunity. People were frightened of this very big, very powerful company and the man who ran it. And *News International* knew it.” (Inquiry Report p. 210).

## **Media’s over reaction**

The response of the mainstream news media to the inquiry’s recommendations was near universal hostility, but why? Media companies already have their own rigorous codes of conduct, electronic news media are already regulated by a government-funded agency and members of the journalists’ union have a code of ethics that predates the other codes. The hostile response to strengthening media regulation would have the effect of restricting rather than increasing information flow and diminish the right for the public to seek effective redress for inaccurate or unfair reporting.

On ABC radio’s *The World Today* on 9 March, Ashley Hall finished by asking Bob Cronin, group editor-in-chief of *West Australian Newspapers*, about his comment that the inquiry’s recommendations represented “the most outrageous assault on our democracy in the history of the media”. Hall said: “But the notions he’s [Mr Finkelstein] espousing of independence, balance, speedy corrections and apologies are already part of the various voluntary codes that cover journalism and media. What’s the difference, if it’s enforceable and paid for by the Government?”

Cronin replied: “The key difference is under Mr Finkelstein’s proposals editors could be jailed for refusing to publish statements demanded by the Government-appointed regulator that the editor believed were completely untrue. Now I mean that sort of thing was common when Joe Stalin was running the Soviet Union...but I wouldn’t ever want to see a situation here where editors were jailed for standing up for their beliefs”.

It appears to have escaped Cronin's attention that under the government-appointed regulator, *ACMA*, no major radio or television station has ever had its license taken away and those who are routinely complained about, such as Alan Jones, John Laws or Kyle Sandilands, have suffered not much more than a slap on the wrist with a damp tissue.

## **Conclusion**

The overall pattern with inquiries into the news media both here and overseas is that they find self-regulation is failing and they exhort industry to lift its game to which the industry solemnly nods but then does next to nothing. Several years later, usually after a particular media atrocity, another inquiry is established, and the cycle begins again.

The report's sub-text is to call this for what it is – a charade. It says to the industry: you have sound standards of journalistic practice that you say you believe in and you have had 35 years to make a success of the self-regulatory system for dealing with complaints about these standards and you haven't – and you seem content with that. So, you've had your chance. If you won't do it you have left us with little choice but to recommend some means of making it work and in your absence that someone will have to be government.

But, really, it shouldn't be too big a deal: all we are recommending is that you adhere to your own standards and that when you fall short of them there is a prompt means of righting that wrong.

A news media visibly living up to its own standards and enforcing its own high ideals is likely to increase rather than undermine public confidence and acceptance.\*

**Professor Matthew Ricketson**  
*The University Of Canberra,*  
*assistant author of The Independent Inquiry Into*  
*The Media And Media Regulation*

**Annexure I – Media Coverage of Vulnerable People**  
**ARC (Australian Research Council) Report on *Vulnerability and the News***  
**Media Research Project – Extracts from *Finkelstein Report***

In their submission, the research group observed that vulnerable people are typically ignorant of media practices and of complaint procedures (cited in Finkelstein, 2012, p. 120). When offered a chance to respond, vulnerable people are not in an appropriate state of mind or emotional position to comprehend the offer or to take advantage of it. As to the apparent under-representation of privacy complaints to the APC, the research group offered this view:

*Making a complaint to the Press Council requires knowledge that the complaints mechanism exists and a relatively high level of literacy about the steps involved in that process. Vulnerable sources may well have a desire to complain, but not the energy or competence at the time to do it. This relies on third-party support to make the complaint—which is not always available.*

**pp. This table is from pp. 419-423 from the Finkelstein Report**

The ARC-funded research project ‘Vulnerability and the News Media’ was conducted by a group of academic researchers—Professor Kerry Green, Professor Michael Meadows, Professor Stephen Tanner, Dr Angela Romano and Professor Mark Pearson—in association with the Hunter Institute of Mental Health, the Dart Centre for Journalism and Trauma-Asia Pacific, the Australian Press Council, the Australian Multicultural Foundation, the Journalism Education Association Australia, Special Olympics Australia and the Media Entertainment and Arts Alliance. The researchers made available to the Inquiry edited transcripts of the focus groups with vulnerable people whose circumstances brought them into contact with the news media. The table below presents the participants’ experience of their interaction (cited in Finkelstein, 2012, p. 419).

Event that brought participant in contact with the news media	Issues arising for participants from the news media coverage	Impact on participants—in their own words
Survivor of rape	Hounding and constant contact and request for an interview.	‘I did have someone from the media call me but she was just a hungry animal. I found her quite a lovely, person but eager to get a story. I was in tears but she didn’t care. She was happy to throw my case all over the TV and magazines and I kept saying ‘No, no, no, you don’t understand, you

		know nothing about me, don't do this'.
Murder of daughter	<p>Generally positive experience; participant learnt to work with the news media.</p> <p>Positive impact of reporting victim impact statements. Building a trusting relationship with a journalist—positive. Accuracy and truth. Participant valued building a trusting relationship with a journalist, and welcomed the reporting of a victim impact statement.</p>	<p>'But now I find the media pretty good. I do a lot of media work and TV work with them. I know who I speak to and who I don't speak to, who is good and bad'.</p> <p>'A bloke from <i>The Age</i> rang me up. He was a very good reporter; he came out and said 'You can have a chance of an impact statement, what would you like to say?' So both my wife and I put our victim impact statement in and he put them on page three of <i>The Age</i> the next day. Very positive stories and we said to him he had the truth'.</p>
Police officer working with victims of crime	Ordinary people become victims/survivors and have no idea how to deal with the news media.	'The problem is that victims don't understand [the news media] until they are a victim'.

<b>Event that brought participant in contact with the news media</b>	<b>Issues arising for participants from the news media coverage</b>	<b>Impact on participants—in their own words</b>
Suffered sexual abuse in childhood	The news media dismissed the participant's experience and passed judgement rather than report the issue impartially.	

		<p>'I went to the media after the military and told them of what was happening internally there and the media just turned around and said, 'Well she just has post-traumatic stress disorder'. It was all focused on my mental illness rather than dealing with the situations.'</p>
<p>Murder of brother</p>	<p>Innuendo in the media. Unsubstantiated reporting. Factual mistakes. Apology by one media out and not another. Factual errors and innuendo in reporting of the case. One media outlet apologised but another did not.</p> <p>Participant not informed when daily media coverage is used in a book.</p>	<p>'They said my brother [name] was a heavy gambler and gambled with [name] at Crown Casino, that wasn't correct. He had misheard in court...I got an apology after making a complaint to the ABC'.</p> <p>'Recently, that same comment appeared in <i>The Geelong Advertiser</i> and I've made a number of phone calls and he won't answer the phone, he won't return calls to me'.</p> <p>'I hate it when they go to write a book and they don't tell you. My friend went out one day and she said 'You know [name] put you in a book'. Why can't the media ring you up and have the decency to tell you that you're in a media book, to prepare you. He was a <i>Herald Sun</i> writer, and he wrote 17 mistakes in it'.</p>

<p>Murder of daughter; previously the participant's children had been sexually abused.</p>	<p>Accuracy in reporting is appreciated but distress over a decision by the news media to treat differently allegations of child sexual abuse.</p>	<p>'I found the media were very factual, facts were accurate and they were very sympathetic and did all the right things after and before the case'.</p> <p>'But prior to that [the murder] I had children in 1981 who had been abused. The media handballed that. I don't suppose they had to cover it in those days. The judge wasn't told that the man had been an abuser for 25 years so the judge just got a completely inaccurate picture to what the man was and the practice he applied with the inappropriate touching.</p> <p>None of that came out in the media. I felt very, very alone. And I found out, murder is popular but paedophilia is a difficult subject'.</p>
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<b>Event that brought participant in contact with the news media</b>	<b>Issues arising for participants from the news media coverage</b>	<b>Impact on participants—in their own words</b>
<p>Sexually abused by grandfather</p>	<p>Graphic reporting of sexual assault cases. Lack of understanding about potential impact of such reporting on victims. Lack of understanding about sexual abuse victims' vulnerability in interviews.</p>	<p>'I had a conversation with a journalist recently about the fact that he had been reporting about abuse by a church. He had spoken to a couple of the survivors of that and he told me that they had said to him 'We want you to tell people what this guy did' so he included some details of the assault in his article which I found incredibly distressing and I felt were completely unnecessary to the story. His idea was that 'Yes, we need to tell people about the molesters'.</p> <p>'People don't need to see child pornography to know how bad it is. I don't see why you need to include these details which are very specific, very distressing details.</p> <p>'I said 'I don't think you realise that perhaps people who have been sexually abused or assaulted are very vulnerable and they don't necessarily have the boundaries, and we don't perhaps know how to protect ourselves as well as we could'. I understand that those people wanted it out there but I think on the balance that it's not necessary'.</p>

Event that brought participant in contact with the news media	Issues arising for participants from the news media coverage	Impact on participants—in their own words
<p>Murder of mother. Participant and her brother were sexually abused in childhood</p>	<p>Language used by the news media was hurtful and demeaning.</p> <p>The importance of treating participants as survivors rather than reinforcing victimhood.</p>	<p>‘One of the biggest things I find about the media when they talk about women is they portray the violence against women as a dispute. If it was a male it would be an assault. I feel that that’s actually minimising what women endure and what they go through’.</p> <p>‘You might have been a victim at the time but at the end of the day you’ve survived it and that would be nice if they highlighted the survival of the whole thing, not the fact that you’ve had the crap bashed out of you’.</p>
<p>Victim of crime</p>	<p>Feeling that only negative aspects of victims’ stories reported—for sales. Victims and survivors of crime treated as commodities.</p>	<p>‘They just want that gruesome bit so that they can sell that newspaper or sell that magazine. They don’t care about anything else’</p>