

PRESS COUNCIL ADJUDICATIONS

ADJUDICATION NO. 951

The Press Council has dismissed a complaint from shareholder-activist Jack Tilburn against The Australian Financial Review over a reference to him made in the Rear Window section of the paper.

The reference came in a caption to a picture taken at the annual general meeting of BHP in Brisbane in September. The caption pointed out in a lighthearted manner that BHP had taken precautions against the "old Talking Briefcase with Handcuffs" wheeze, but that "fireworks, general mutinousness from shareholders and traditionally inane speeches from Sydney landscape gardener Jack Tilburn would have provided quite enough headaches for AGM organisers".

Mr Tilburn objected to the words "traditionally inane speeches", and the mention of his "trade work" in such a way as to suggest it was "second class or bad". He accused the paper of an "endemic and systematic hatred of me, with malice and spite galore".

The editor of the Rear Window section, Andrew Main, replied that he had attended many AGMs at which Mr Tilburn had spoken and "I have long ago concluded that your tendency to make repeated interruptions, *ad hominem* verbal abuse, and long discursive speeches is actually an impediment to shareholder democracy".

Mr Tilburn, who describes himself as a "crusader, reformer and activist" says he is attending "15 to 20 AGMs nowadays". The Rear Window editor says he is familiar with Mr Tilburn's position and his way of expressing it.

The Press Council holds that if Rear Window is of the opinion that Mr Tilburn's speeches are inane, it is free to say so. Mr Tilburn gets into public debate at his own choice, and must accept criticism that comes his way.

ADJUDICATION NO. 952

The Press Council has upheld the fairness and balance aspects of a complaint over a front page story in the Mornington Peninsula Leader about "racist taunts and religious persecution" against the Greek Orthodox Church in Red Hill.

The article on 29 July concerned the church's problems over what is claimed to be the renovation of a shed on its grounds, for which the local council had

not granted a building permit. Local residents had also objected to the project.

The article said a church committee member had received from an unknown source a fax which contained a swastika and various racist slogans. The article also quoted the church's priest, Father Eleftherios Tatsis, as saying nearby residents had discriminated against the church and that church property had been vandalised several times since the dispute began.

One of the residents, David Harrison, complained to the Press Council that the article was seriously damaging to the church's neighbours, and that there was no balancing comment from them.

The newspaper told the Press Council that the article said the source of the racist mail and vandalism was unknown and it had not suggested that the neighbours were responsible. The Press Council believes, however, that most readers were likely to conclude that the neighbours were involved.

Mr Harrison wrote a 33-paragraph letter to the newspaper challenging the article and presenting the neighbours' side of the story. The newspaper declined to publish it because of its length and because it considered certain comments in it unsuitable for publication.

The Press Council believes Mr Harrison's letter could have been edited to acceptable length, or used as the basis for a follow-up article. By not doing either, the newspaper breached the Press Council's principles on ensuring fairness and balance where individuals or groups are singled out for criticism, particularly when it is as prominently featured as it was in this case.

ADJUDICATION NO. 953

The Press Council has considered a complaint from Daniel Coase and others against OutRage magazine that an article relating to the Victorian AIDS Council contained numerous inaccuracies known by the writer of the article to be false.

The article appeared in the April edition of the magazine. It deals with what is referred to as "an incredibly contentious" period in the history of the AIDS Council. Much of the article comprises strong criticism of persons involved in the activities of the AIDS Council with allegations of factionalism, personal attacks in debates and use of "numbers" to achieve results. The complainants have asserted that these criticisms are inaccurate and represent the views of one group of persons involved in the AIDS Council's activities. Their response is expressed in similar terms to that of the original article. A

detailed letter was submitted to the magazine.

The Press Council is not in a position to investigate these various claims and counter-claims nor does it consider that it should involve itself in the internal affairs of organisations.

The Press Council notes that the editor concedes that he should have offered the complainants the opportunity to submit a shorter letter. This would be a reasonable way to settle the dispute.

ADJUDICATION NO. 954

The Press Council has dismissed the main thrust but upheld one aspect of a complaint brought by Dr Iain Stewart against The Sunday Telegraph for its publication of a story on 20 July 1997. The focus of the story under the heading "\$60,000 a year ... but silent for four months" was the refusal by Dr Stewart to carry out his first semester teaching allocation in constitutional law. The article went on to describe the various events which flowed from the refusal.

Dr Stewart claimed there were a number of inaccurate and defamatory statements, particularly the headline, that the newspaper did not take reasonable steps to check the accuracy of its allegations, that it had used material obtained by dishonest means, that his privacy had been invaded and that there was no public interest in the story. In consequence, he claimed that the article was "severely lacking in fairness and balance".

The Council believes that the article, dealing with events at a major public institution, was in the public interest and the newspaper was entitled to use the material on which it based its story. The evidence before the Council was that Dr Stewart had not taught the course as prescribed but had, of his own volition, substituted research.

Whether that was worthy of the large headline was a judgment question on which the paper was entitled to take a point of view; the Council believes that the headline did not misrepresent the results of an academic dispute.

Dr Stewart complained that the story lacked balance because of the failure to interview him prior to publication of the article. On a story of this nature, which clearly has adverse consequences for the complainant, it is imperative that a newspaper takes all reasonable steps to provide an opportunity for the