

The Telegraph article reported claims by Scottish-born accordionist John MacDonald, that he had registered the trade name Scotland The Brave prior to the same being registered by Mr McKinnon's company, Andrew McKinnon Presentations.

Mr Campbell sought comment from Mr McKinnon via email. Mr Campbell did not advise Mr McKinnon of the details of Mr MacDonald's personal attack, which he proposed to include in the article.

Nevertheless, Mr McKinnon emailed a response to Mr Campbell, arguing that he had registered the name Scotland The Brave, but expressing the view that no one could actually own the name because it is the title of a song. He likened it to trying to claim exclusive use of the name Waltzing Matilda. He assumed that, if Mr MacDonald had also registered the name, he would also be entitled to use it.

In its subsequent article, The Highland Gathering quoted Mr MacDonald as saying that his show had been registered many years before McKinnon's. He also made other remarks personally critical of Mr McKinnon.

In his complaint to the Press Council, Mr McKinnon said that he had inadequate knowledge of the nature of Mr MacDonald's remarks for him to make a proper rebuttal. Further, no attempt was made to interview or publish the views of anyone in the entertainment industry to support Mr MacDonald's claims.

The Council notes that The Highland Gathering published Mr McKinnon's comments in full and thereby provided some balance. However, it rules that the article was unfair because Mr McKinnon was not advised or given a chance to respond to the personal attack made on him.

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, ten public members (7 attend each meeting), 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 who can have had no 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.

Complaints Procedure

If you have a complaint against a newspaper or periodical (not about advertising), you should first take it up with the editor or other representative of the publication concerned.

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, clear photostat or hardcopy print of the matter complained of, with supporting documents or evidence, if any. Complaints must be lodged within 3 months of publication.

The Council will not hear a complaint subject to legal action, or possible legal action, unless the complainant signs a waiver of the right to such action.

Address complaints or inquiries to:

Executive Secretary
The Australian Press Council
Suite 303, 149 Castlereagh St
Sydney NSW 2000

Phone: (02) 9261 1930 or (1800) 02 5712

Fax: (02) 9267 6826

E-Mail: info@presscouncil.org.au

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

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