



THE UNIVERSITY OF  
MELBOURNE

## **Power without Responsibility: who guards the guardians?**

The Honourable Peter Beattie

Premier of Queensland

14 December 2005 AN Smith Lecture in Journalism

I am honoured to have been invited to give the AN Smith Memorial lecture in journalism.

Looking back over previous speakers, I see that I am joining a distinguished band of people who have addressed important issues involving journalism and that there has been good balance between members of the fourth estate and those on whom they report.

I pay tribute to AN Smith who died 70 years ago, to his family whose wish it was that these lectures should take place on an annual basis, and to the University of Melbourne for ensuring that the lectures retain a meaningful and respected focus for everyone interested in the role of the media.

When I received my invitation, it came with a reminder of a debate about media responsibility and accountability that I endeavoured to start in March 2003 and with a suggestion that this was a subject that could be further addressed in this lecture.

Let me remind you of what I said in 2003 and the reaction to my comments.

My focus then was on newspapers, because while it is the Commonwealth that has powers to legislate on television and radio, the states retain powers to regulate newspapers.

But should states use those powers, and if so, how? I asked.

My examination of the issues was based on a historical perspective.

In the days when newspapers reigned supreme, if one newspaper told a lie, other papers would gleefully point that out.

I went on to say:

The number of publications, and the diffusion of opinion through a multiplicity of sources, ensured no single editor or journal could shape public opinion.

But the cut and thrust of a large variety of competing voices is long gone.

Cities like Brisbane that once hosted a dozen different newspapers, owned by competing proprietors with different political agendas and a sharp eye to each others failings, are now served by a single newspaper.

The same story can be told for much of Australia.

At this point I interpose something of a commercial and an invitation!

Queensland, the engine room of the Australian economy, has just celebrated the arrival of our four-millionth Queenslander.

We have the population to support another state-wide newspaper.

What we need is an *Age* or a *Morning Herald* or an Australian Provincial Newspapers title to offer Queenslanders an alternative coverage.

Returning to my 2003 text, I said there was no mechanism left to expose and correct bias within the media.

Journalists do not write stories criticising each other.

The *Courier-Mail* does not analyse mistaken reports in the ABC, or the ABC hold to account sloppy reporting in some commercial television report.

Another interposition – with a suggestion that our national broadcaster should enlarge its examination of media issues which it has done so well in *Media Watch*.

Many people look to the ABC as the media organisation which will comment without fear or favour.

There is room for the independent broadcaster to do more in its current affairs programming to inform the public about where it may have been misled by commercial media.

Back to 2003, when I said that for the public, the media are the sole source of apparently authoritative comment about politics.

But in the absence of meaningful competition, how can the public know whether it is getting the truth?

What is it not being told?

Can democracy flourish amid such little competition within the media?

Or is there a risk the media will demand accountability of others but stay above scrutiny themselves?

In contemporary Queensland, who now guards the guardians? I asked.

The answer - with apologies to the Press Council and Media Watch, I fear the answer is no one.

I did emphasise that I did not for one moment suggest the time had come for government control over the media.

That would be wrong.

It would undermine democracy.

But, I said, I did believe it was time for the media to embrace an accountability regime similar to that imposed on government, on parliament, and on other public institutions.

That is, I believe members of the public should be able to ask of newspapers and electronic media the same answers they can demand of their representatives:

- Why was this decision taken?
- Who was involved?
- What did it cost?
- What alternatives were considered?

I appreciated the need for journalists to protect their sources.

However, I believed it was time to consider a form of freedom of information to apply to the Queensland media.

Some journalists are public figures, and all journalists enjoy extraordinary access to information and public esteem.

They are able to publish their opinions without fear of contradiction and, all too often, without supporting evidence.

Again, I emphasised that I did not believe journalists should be responsible to government.

I argued they should be responsible to the public, in the same way ministers are responsible—through public scrutiny of their actions.

And so I called for a public debate about truth in media laws—how could we make the media more accountable?

How, given the realities of limited competition, could we use legislative means to ensure effective public scrutiny of the media?

Should the principles of freedom of information be extended to journalists, so that the media could be held to the same tests of honesty as other public institutions?

In our society, no institution should be above scrutiny.

For a long time the media have enjoyed that unique privilege.

Why?

Parliament has accepted reform in the interests of a better democracy.

I ended my speech by suggesting:

Perhaps the media should follow that example.

As you can see, I was not threatening to put government censors into newspapers.

I was posing questions and suggesting a public debate.

However, instead of examining these suggestions in a constructive way, the media not only took to the barricades, they also hurled a few bombs my way.

The *Townsville Bulletin* commented on March 27, 2003:

"At a time when Australian soldiers are defending our freedoms overseas it is a sad indictment of our politicians that Premier Peter Beattie is pondering how to restrict them at home."

Next day *The Australian* said that an accountability regime for the media was a "foolish idea unworthy of this most media-friendly of politicians" – and it verged on petulance – and it was an attack on, and an affront to, democracy.

Professor Ken McKinnon, who was then chairman of the Australian Press Council, came up with this constructive comment:

"You can tell the Premier has been in office for quite a while now.

"He is clearly at that stage where all Premiers get when they can't stand any scrutiny of their actions and believe it is all biased against them.

"It is a disease that hits them all at a certain point and Mr Beattie appears to have reached that point."

My goodness, think how much worse I must be nearly three years further down that track.

But when the invitation to deliver this lecture reached me, I decided to poke my head up over the trench again in the vague hope that there is room for a constructive debate about how to improve accountability and responsibility in the media.

How wrong could I be?

Before I have uttered a word, today's *Courier-Mail* launched a pre-emptive strike against me under the headline "Premier turns the focus on media".

In the front-page article it made its usual allegations against me on FOI (despite the fact that in 2003-04 we released 82 per cent of all applications in full compared with 74 per cent by the Federal Government).

Inside is a 460-word editorial which essentially argues that it is far more important for me to reform FOI laws than meddle in affairs which are only the business of the media.

You, my audience, may have read on the University of Melbourne's website that the AN Smith Memorial Lecture in Journalism is regarded as the most prestigious lecture on journalism in Australia.

But *The Courier-Mail* told its readers this morning that I would be tilting at windmills in Melbourne with a dusted-off dissertation already found flawed.

And I'm sorry to disappoint you but *The Courier-Mail* has announced that my exercise today, at best – at best - demonstrates my defective understanding of the purpose of FOI and the fundamental rights it should enshrine.

I have to ask: what is *The Courier-Mail* afraid of in this debate?

Why the attempt to belittle me as a Don Quixote rather than examine the issue?

Let's pose the question: Are the media always perfect?

If they are, then we need not bother about measures designed to make them more responsible and improve their accountability.

Because newspapers are enduring and form a public record that is often consulted by researchers, I will continue to focus on this particular medium.

This year *The Courier-Mail* exposed the appointment of Jayant Patel as a surgeon at Bundaberg Hospital as a dreadful tragedy.

My Government (the one that *The Courier-Mail* says is unaccountable) initiated a full-scale, open, independent inquiry into the appointment of Jayant Patel and an independent, open review of the entire health system.

Full marks to the newspaper.

Madonna King's recent book *Catalyst* is billed as 11 stories that demonstrate the power that the media and the public have to make changes in our society.

There is no doubt that the media do have enormous power.

Not just to force change but to influence the way we live our lives.

Governments in democracies such as ours rely largely on the media to inform the public about government decisions that will affect their lives.

Sadly, I have held many media conferences where such a decision fails to gain a mention on the 6pm news because a reporter is more interested in generating a name-calling argument between two politicians or between an interest group and the government.

I admit that there is probably nothing that can be done about that sort of behaviour.

But I have three examples here of recent stories which I argue show a need for more accountability and a need to be more responsible.

The fact that they are all from Queensland should not suggest that the Queensland media are any worse than the media elsewhere – it's just that I am very familiar with the circumstances involved in these stories.

## **Story 1**

*The Courier-Mail* has driven stories critical of QFleet, the Queensland Government business unit which manages the government's car fleet.

On October 22 this year it ran a headline: "Buyers steer clear of dear Q cars" over a story with an introduction which read: "Auctioneers found it difficult to reduce QFleet's vast pool of depreciating vehicles as customers complained about excessive prices."

The reporter quoted a disappointed buyer who wanted to pay about \$13,000 for a 2003 Falcon with 60,000 km on the clock. It had passed in without a bid at \$15,000.

After 20 paragraphs of negative comments, the story advised: "Look for the best deals in new and used vehicles in today's CARSGuide section."

Robert Swarten, the Minister criticised in this article for superintending this alleged debacle, did just that.

After searching through the paper's CARSGuide section he found the best price for a Falcon fitting that description was not \$13,000, not \$14,000, not \$15,000 but \$16, 666.

The Red Book put the correct price at between \$15,600 and \$18,400.

Mr Swarten revealed the facts in Parliament on October 26.

Earlier that month *The Courier-Mail's* readers had been shown a massive photograph of thousands of cars parked row after row, with a headline:

"The State Government ignored warnings QFleet was buying too many big cars. Now it's losing millions on a stockpile so large you can see it from space..."

And that was just the headline!

Unfortunately, the photo was of a private auction yard containing literally thousands of cars for auction, including about 150 QFleet cars which the company was to auction.

## Story 2

*The Courier-Mail* stated as a fact on November 30 that police do not respond immediately to a third of emergency calls because of a lack of cars and officers.

The story went on to say that records show people in one district wait more than an hour and a half for assistance.

And only half of all reports are attended to within half an hour.

That would all be very frightening to many people, especially to those older people who already barricade themselves in their homes because of media stories which suggest that crime is out of control.

But the story was not based on figures for a year – which would have entitled it to run such a story.

It had obtained figures for just one day under Freedom of Information legislation (that legislation which needs reform) – and included all 1,930 urgent and non-urgent calls from that day.

In fact, there had only been 16 "code 2" emergency calls and all had been dealt with promptly.

Over the entire month all code 1 and code 2 emergency calls were responded to within about nine minutes.

Further, the story said New South Wales police respond to routine calls within 15 minutes under a benchmarking system Queensland has rejected.

In fact, the 15-minute target in NSW is for urgent calls.

It is worth noting that nowhere in the story is there any further reference to a lack of cars or officers being a problem.

In fact, we've increased the number of police by a third.

### **Story 3**

On September 7 more than 600,000 copies of a newspaper carried a large photo of what was described in headlines as a rusty old truck, a fire bomb.

A water container on the back of what appeared to be a ute was labelled: Ambrose Rural Fire Brigade.

The story read:

"This battered old truck is all that stands between a Queensland community and a devastating fire.

"The rusted Isuzu, ordered off the road by traffic inspectors, is all that a brigade of rural firefighters has to protect the national highway, the state's main rail line, a power station, gas pipeline, school and homes.

"The Queensland Fire and Rescue Service has refused to replace the dilapidated vehicle despite months of pleas from the volunteer brigade."

The facts are emphasised later in the 18-paragraph story with the line:

"The volunteers warned state fire service bosses back in April about their unsafe fire truck."

Readers could be forgiven for wondering why the State Government would allow one of its vehicles to deteriorate to such an extent and then refuse to replace it.

The fact is that the tiny hamlet of Ambrose is classified as an area comprising mainly rural producing land with possibly some low density rural residential development and has never qualified for a fire truck under any government.

It is serviced by a State-provided fire truck from Mt Larcom - with a population of 350 - less than five minutes up the road.

The truck identified by the newspaper as in need of replacement at taxpayers' expense belongs to a farmer who had placed the water container on his ute.

Nowhere in the story is this fact identified.

I don't think I'll have any argument with a thesis that the media are not perfect.

I'll move to another response to my suggestions of 2003.

Professor David Flint, who was then Australian Broadcasting Authority chairman, told *The Courier-Mail* that Freedom of Information legislation and a press ombudsman were unnecessary because the current system works.

This assertion lies at the very heart of the argument.

If it's not broken it doesn't need fixing.

Tonight's big question is: Does the current system work?

Who does guard the guardians?

In a spirit of conciliation, let me acknowledge that the newspaper and magazine industry created the Australian Press Council as a self-regulatory body and that they fund it.

And the complaints process does involve newspapers and magazines publishing the result of the adjudication of each complaint.

That is commendable.

However, as Paul Chadwick pointed out in his 1999 AN Smith lecture, the Press Council has twin aims which are incompatible.

This was demonstrated when, in attacking my 2003 remarks about the need for more accountability by newspapers, chairman McKinnon reacted by dealing with the Press Council's first aim of helping preserve the traditional freedom of the press rather than the second aim of ensuring that the free press acts responsibly and ethically.

Commercial radio and television are now regulated by The Australian Communications and Media Authority, an arm of the Federal Government.

The codes of conduct developed to cover commercial television and commercial radio contain no requirement for commercial radio and television news to carry corrections based on adjudications of complaints.

Only the ABC promises: *Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances.*

Does the Press Council complaints process work?

A 1996 survey by the Press Council showed most respondents saw their complaint as an attempt to make the press act more responsibly when reporting a story.

Many claimed their reason for filing their complaint was the unsatisfactory response that they received from the media organisation when they initially contacted them regarding their concern.

In other words, self-regulation, which should start with the actual newspaper itself, had failed these respondents.

Most of them sought a public apology from the press organisation, or wanted to "right a wrong" that they felt had been committed.

One problem as I see it is that if someone is maligned on a Monday, they want the story corrected on the Tuesday or at the first available opportunity – while the fingers are being pointed their way; while the gossips are talking; while they've got a chance of restoring their credibility before the mud starts sticking and setting.

When I consulted the list of adjudications of the press council on its website on Monday, the last decision had been made in October.



The date of the offending article was not given.

There were six adjudications in September, three of them going back to January, February and March and none were later than May 10.

I firmly believe that when it comes to media errors, justice delayed is justice denied.

The media place a massive emphasis on being contemporaneous and if there is a question of publishing at the first opportunity or waiting until the subject of a story has been given a chance to respond, they will usually choose the former.

We've all seen the line that refers to the subject of a story being unavailable to comment.

So why shouldn't complainants be given the same opportunity of instant justice instead of resurrecting an issue months later and perhaps re-opening an old sore?

It would also appear from the three examples that I have quoted this evening that newspapers are not in the least bit worried by possible complaints to the Press Council.

After the truth about the QFleet auction was revealed in the Queensland Parliament there was no correction in *The Courier-Mail* the next day or any other day.

Anyone relying on that newspaper for information still believes that it would be a waste of time going to a QFleet auction.

And the photo from space?

A tiny correction, which very definitely could not be seen from space, appeared on October 19.

Of the photo from space of the private auction yard, it said that Minister Schwarten – and I quote – "claimed a Google photograph of stockpiled cars...was two years old and only 150 QFleet vehicles were currently on site".

How responsible is that? No admission, no correction as such and the use of the verb "claimed" to suggest *The Courier-Mail* did not really believe Mr Schwarten.

The story about emergency calls to the police has not resulted in a correction.

On December 3 *The Courier-Mail* carried a single column letter from the Police Commissioner pointing out the errors.

Ironically, it appeared next to a thundering and righteous editorial alleging a lack of accountability by my government.

But there has been no attempt by the newspaper to set the record straight – and perhaps alleviate some of the fear that it generated.

Before publication of the story about the fire truck, the newspaper was told the truck did not belong to the State Government and this was repeated after publication.

I did not see a correction in the newspaper.

I have many other examples to show that the present system of self-regulation does not work.

The media allege that when it comes to responsibility and accountability they are subject to harsh defamation laws.

I argue that very few people who have complaints about being misquoted or misrepresented are going to bother suing a newspaper, television or radio station which has taken out a large insurance policy to guard against losses through being sued.

I suggest it usually takes a blatant mistake or a blatant crook for a defamation action to be initiated.

Good journalism would be a protection against both risks arising.

Government and large sections of the private sector now have all sorts of checks and balances such as freedom of information, ombudsmen, investigative and regulatory bodies which can order remedial action, and appeal mechanisms.

The media – quite rightly – insist on governments being accountable.

So why is it that the media have failed to put their house in order, especially when they are held in such low esteem by the public?

A Morgan Poll published yesterday showed that nearly two out of three respondents - 63 per cent - agreed with the statement: I don't trust newspaper journalists to tell the truth.

More than two out of three – 67 per cent - believed that the media are not objective enough.

And nearly three out of four – 71 per cent - believed that media organisations are more interested in making money than in informing society.

*The Courier-Mail* carried an example of what may give rise to that belief when it said in its editorial today that newspapers are accountable to their shareholders and the law - but made no mention of being accountable to their readers.

With the levels of cynicism shown in the Morgan survey, doesn't the media owe it to themselves to demonstrate to the public that they are subject to checks and balances which ensure they are accountable and responsible for news content?

With the power that the media wield, is there any argument that they have a duty to act responsibly and in an accountable manner?

Why shouldn't people be able to use a form of freedom of information legislation to require a media outlet to reveal what evidence it used in compiling a story?

Sensitive sources could be blacked out.

People could use the information to help them gain a correction or retraction.

Perhaps the Press Council could use FOI to accelerate its process by requiring documents to be produced in a set period.

I would suggest the mere fact that documents could be searched would have an immediate effect on the accuracy and attitude of many media outlets.

The other suggestion I raised in 2003 is that each newspaper should have an in-house ombudsman.

A newspaper ombudsman, usually a veteran reporter or editor, serves as an external spokesperson for the public and an internal critic for the newspaper.

According to guidelines adopted in 1982 by the Organisation of Newspaper Ombudsmen, the ombudsman's duties are to:

1. represent the reader who has complaints, suggestions, questions or compliments
2. investigate all complaints and recommend corrective action when warranted
3. alert the newspaper to all complaints
4. serve as an in-house critic
5. make speeches or write to the public about the newspaper's policies, attitudes and operations
6. defend the newspaper publicly or privately when warranted.

To perform those functions, ombudsmen write newspaper columns, give speeches, circulate memoranda within the staff, and distribute questionnaires to persons mentioned in news stories.

I applaud this concept.

Do these ombudsman have teeth?

On November 21 *Washington Post* ombudsman Deborah Howell criticised *Post* reporter Bob Woodward for committing a journalistic sin by keeping facts from the *Post*'s executive editor.

The journalistic gods don't come much bigger than Woodward.

The paper's own ombudsman declared that Woodward should follow the same rules as all other *Post* journalists.

On December 11 Ms Howell's column in *The Washington Post* alerted readers to an internal row about the newspaper's website.

It included these words:

"The *Post* is primarily a local newspaper, no matter how or where it's read. Its circulation, as reported in September, is 671,322 daily and 965,920 Sunday. The Web site's reach is huge -- 8 million unique visitors a month, about 1.3 million of them local.

"The *Post* Web site is owned by the Washington Post Co., but it is not run by the newspaper. It is a separate company called Washington Post-Newsweek Interactive, or WPNI, with offices in Arlington."

Political reporters at *The Post* don't like WPNI columnist Dan Froomkin's "White House Briefing," which is highly opinionated and liberal. They're afraid that some readers think that Froomkin is a *Post* White House reporter.

John Harris, national political editor at the print Post, said, "The title invites confusion. It dilutes our only asset -- our credibility" as objective news reporters. Froomkin writes the kind of column "that we would never allow a White House reporter to write."

The Ombudsman delivered her verdict:

"I agree with *The Post's* political writers here; the Web site should remove the "White House Briefing" label from Froomkin's column."

Does this sort of very public scrutiny harm the image and circulation of the *Post*?

What the Ombudsman calls "primarily a local newspaper" has a daily circulation of 671,322 in a population of about 570,000.

It has a worldwide reputation for its high standards.

With an ombudsman who is seen to take up the cudgels on behalf of readers, listeners or viewers, any media outlet would be seen to be accountable and responsible – for its content and to its consumers.

If Sydney media outlets – newspaper, radio and television - each had an ombudsman, that ombudsman would certainly have been called upon to judge whether last week's coverage of threats made regarding incidents at Cronulla was responsible, and if not, what should have been done to correct it.

At the other extreme, the ombudsman would be in a position to deal with complaints which are hardly worth taking to the press council or to court but which, nevertheless, are irresponsible.

Let me give one small example of what I mean.

Take that word "claimed".

Words are the media's stock in trade.

Just about every word in every story can be used to effect.

But is every word used responsibly?

In a newspaper story a reporter can quote someone as having: said, stated, written, responded, replied, added, affirmed, confirmed, alleged, answered, divulged, mentioned, recited, related, remarked, repeated, reported.

The person may have whispered, shouted or joked.

Someone with a point to make may have "declared, pointed out, pronounced, announced or asserted."

Someone with a secret might have "disclosed or revealed."

Someone unsure might have "opined, offered, suggested or ventured."

But if we read that the defendant "claimed" in court he did not see the 20 metre-high sign we are being told the defendant is not likely to be telling the truth.

I suffered this grave doubting of my word last month when The Courier-Mail told its readers:

"Mr Beattie claimed he had not had time to read the report but was prepared to consider requests once he had."

I have no idea why the reporter apparently thought I had read the report but was claiming not to have.

If such denigratory words are used consistently, a negative image can be engendered.

Is it possible to police the responsible use of words?

A resident ombudsman on each newspaper would be in an ideal position to adjudicate and to impose house rules about the responsible use of language.

One final point. In competing with television news, newspapers do more than report on the news: they package it.

In reporting on the health review and inquiries that my Government instigated, more than one newspaper has published news stories under a strap such as "The Sick System."

The review and the inquiries are now over.

The Government has announced what it will do, and is doing, to improve the health system.

The five-month review actually found that our system was the equal of any in Australia.

It also pointed out that if the system continues to be denigrated it will be difficult to restore the system's reputation and difficult to recruit the new staff who are needed.

Is it responsible journalism to continue to tell readers that if they are admitted to hospital they are entering a sick system?

What purpose does such a strap line serve?

At the moment there is no umpire to give a quick decision.

In conclusion, I ask everyone else involved in the industry to consider not why these measures should be resisted but how they could be adopted in a positive way by the Australian media.

And if not these measures, how else could the media be made more accountable and more responsible so that a lot more than one person in three might believe that what they read in newspapers?