



# Independent Inquiry into Media and Media Regulation

## Written submission cover sheet

Please ensure this cover sheet is included or attached to submissions made in response to the Terms of Reference and Issues Paper. Before submitting your submission please read the Inquiry's web site - [http://www.dbcde.gov.au/digital\\_economy/independent\\_media\\_inquiry](http://www.dbcde.gov.au/digital_economy/independent_media_inquiry) - which has important details on the closing date; format requirements; publication of submissions; confidential information; privacy. Receipt of submissions will not be acknowledged.

<b>PUBLICATION DETAILS</b>			
The Inquiry intends to publish submissions on its website, but reserves the right not to publish any submission, or part of a submission. The 'name for publication' below will be used to label submissions. Generally this should be the same as the name of the individual, group or organisation making the submission.			
<b>Name for identifying submission on website</b>		Dr Margaret Simons	
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All submissions will be treated as non-confidential information unless specifically requested. If you regard parts of your submission as being confidential, clearly mark all parts of your submission that you regard as confidential. You are also encouraged to consider providing a clearly identified 'public' version with confidential material removed. Email disclaimers or confidentiality markings will not be treated as sufficient requests that information be kept confidential.			
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Any personal information you provide to the Media Inquiry through your submission is used only for the purposes of consideration of issues raised in the discussion paper. Contact details requested below will assist the Inquiry if it needs to discuss your submission further, including any requests for confidentiality. If you are making a submission as part of a group, please provide details for one member of your group.			
<b>CONTACT PERSON</b>			
<b>First name</b>	Margaret	<b>Surname</b>	Simons

<b>Phone</b>	03 93768907	<b>Mobile</b>	0411254478
<b>Email</b>	margaret@margaretsimons.com.au		

## BACKGROUND AND OVERVIEW

This submission is made at the invitation of the inquiry, and in a personal capacity, but there are aspects of my career, current positions and background that are relevant. I have been a journalist for 30 years, and have worked at *The Age*, *The Australian* and as a freelancer, writing for many magazines and newspapers. I have also written a number of books, and numerous essays.<sup>1</sup> Since about mid 2005, I have specialised in writing about media and journalism, mostly for *Crikey*, which has me on retainer as a media writer. I have also written a number of books about media and journalism.<sup>2</sup>

Since the early 1990s, I have acted as a trainer of journalists in the industry. More recently, in 2009, I have moved to the tertiary education sector, and designed and administered curriculums in journalism, particularly at Swinburne University of Technology.

I am the founding Chair of the Foundation for Public Interest Journalism at Swinburne University of Technology, and have recently been appointed as Director of the Centre of Advanced Journalism at the University of Melbourne. I take up this post on 1 December.<sup>3</sup> My particular area of research interest is the impact and opportunities of new media for improved journalistic practice.

The Foundation for Public Interest Journalism will be making a submission to this inquiry, and other board and committee members of the Foundation, and associates of the Centre for Advanced Journalism, have also made submissions.<sup>4</sup> As previously stated, this submission is made in my personal capacity, and the views expressed are not necessarily shared by any of the organisations and institutions with which I am associated.

The submission addresses each of the terms of reference, to the extent that I usefully can, from my personal experience and knowledge.

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<sup>1</sup> For more details, see [www.margaretsimons.com.au](http://www.margaretsimons.com.au)

<sup>2</sup> *Fit to Print – Inside the Canberra Press Gallery* (UNSW Press) 1999; *The Content Makers – Understanding the Australian Media* (Penguin) 2007, and *Journalism at the Crossroads* (Scribe) 2011.

<sup>3</sup> More details about the Foundation and its work can be viewed at <http://www.pijf.com.au/>. More details about the Centre can be viewed at <http://www.caj.unimelb.edu.au/>.

<sup>4</sup> Board and committee members of the Foundation for Public Interest Journalism who have made submissions include Bill Birnbauer, Melissa Sweet and Peter Browne. As well, Dr Dennis Muller, who has made a submission, is associated both with the Foundation and the Centre for Advanced Journalism at the University of Melbourne.

The submission also brings to the inquiry's attention a recent case study – the publication by *The Australian* newspaper of numerous stories critical of the then Victorian Police Commissioner Simon Overland and the Office of Police Integrity. This series of articles, beginning in early 2009, followed Overland and the OPI criticising *The Australian* over its publication of details of the Operation Neath anti-terrorism raid on the very morning that raids took place and arrests were made. It also coincided with attempts by News Limited to suppress an OPI report critical of its conduct. This long running saga, dubbed “Ozleaks” on Twitter, raises a number of ethical issues both for the journalists involved, and the newspaper organisation. It formed the lead-up to the more recent campaign concerning Overland discussed in the recent OPI report *Crossing the Line*, in which the OPI specifically draws the use of the media to undermine Overland to this inquiry's attention.<sup>5</sup>

I think the Ozleaks case is significant in itself, and a pertinent focus for consideration of the current effectiveness of media codes and standards, and how, and whether, the media should be held to account.

Another episode of my career is relevant to this part of my submission. In the period between 1987 and 1989, I was involved in the Fitzgerald Inquiry into corruption in Queensland. I was involved at first as a reporter for *The Age* and *Sydney Morning Herald*, then as a member of Mr Tony Fitzgerald's staff, employed to assist in writing his final report. I mention this because the view I gained during this period of the role of the media in both exposing wrongdoing, and in helping to create a climate in which misconduct can flourish, has influenced the rest of my career.

I discuss this further in the final section of my submission.

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<sup>5</sup> Office of Police Integrity *Crossing the Line, Report of an Investigation into the conduct of a member of Victoria Police undertaking secondary employment as a Ministerial Adviser, and his relationship with a Deputy Commissioner of Victoria Police*, Victorian Government Printer October 2011.

## ADDRESSING THE TERMS OF REFERENCE

- A) The effectiveness of the current media codes of practice in Australia, particularly in light of technological change that is leading to the migration of print media to digital and online platforms.

### Effectiveness of Media Codes of Practice

The gamut of current codes of practice in Australia – both industry wide and internal to media organisations, is ably summarised in the submission by Dr Denis Muller, who also identifies their weaknesses and gaps.

Most are, in my view, fine documents of aspiration. The problem, as suggested by the terms of reference, is their effectiveness.

Key to this is the simple fact that many journalists are not aware of the codes, whether they be the Australian Press Council's principles or the internal codes of their employer. The reason is that the majority of newsroom managements do not prioritise such codes, refer to them or even make sure that their reporters are aware of them. In some cases, they are openly contemptuous of them when addressing their junior staff. I have personally observed this.

As an industry trainer since 1992, I have made it a habit to ask classes of young journalists working in the media whether they are aware of their employer's code of conduct for editorial staff. The results vary a little from workplace to workplace, but awareness of the code is in most cases a long way short of fifty percent. Even when they are aware that there is a code, most young reporters have not read it, and cannot quote any of its key elements.

I reported on this state of affairs for Crikey earlier this year. I attach the relevant articles as Appendix A, including one which quotes a Masters Thesis by Carolyn Varley, based on research conducted in 1995 at the Herald and Weekly Times, which (although her research is old) supports my assertions. Varley found that awareness of the then newly introduced code was low, there had been little or any training in its use, and most reporters regarded it with cynicism. There was also opposition to the idea that it should be published to the public at large, to increase accountability. Some of this reluctance can be seen in the present day in the reaction by News Limited to my suggestion in Crikey that it should publish its Code of Editorial Conduct.

I would say on the basis of my experience that little has changed since Varley did her work. Having said that, I also think the HWT has led the way in establishing internal codes of conduct. I understand that more work is underway to promote a revised code internally. This should be acknowledged and encouraged.

Nevertheless, these efforts go against the tide. Evidence of former Press Council chairman Dennis Pearce in the first round of public hearings of this inquiry suggest that the industry has always been largely hostile to serious self regulation. This is reflected in the failure of newsroom management and staff to internalise what are, on the face of it, excellent codes of conduct.

I agree with Muller's recommendations for a unified code of ethics for all Australian media involved in gathering and disseminating editorial content, and a single body for holding the media accountable for editorial performance. However, it will continue to be the case, as expressed by current Press Council chair Julian Disney, that media organisations' internal cultures, codes and processes will be the "front line" of improving journalistic standards.

Media organisations need to commit to training on ethics and industry standards. Auditing such training, and possibly even providing it on a cost recovery basis, could be part of the role of a better resourced Australian Press Council. Chief of staff and other editorial management positions should see the enforcement and inculcation of standards as a key part of their jobs.

### Technological Change

Other submissions and evidence at public hearings has focussed on the risks posed by new media technologies, particularly abusive comments threads and the dangers of instant publication. While not wanting to deny the force of those concerns, I am concerned by the tendency, both in the inquiry's issues paper and the majority of submissions, to frame new media as the source of all evil and entirely a threat to standards, rather than exploring the potential positive impact on transparency, accountability and media diversity.

The Australian Press Council is guilty of both failing to understand new media, and failing to exploit its potential for promoting its work, and fostering positive engagement and conversation around the issue of journalistic standards. The Council is presently, as outlined in its submission, seeking community views as part of its Standards project. Yet it has failed to exploit the potential of social media to curate an interactive conversation on this topic. A better resourced Australian Press Council could use a social media presence, such as Google, Facebook and Twitter, to publicise its work and engage the community in the process of standards development. Until the Australian Press Council demonstrates a better understanding and more positive attitude to new media, it will have difficulty in persuading new media publications to become members.

More broadly, the potential of the internet and social media to engage citizens in "gatewatching" the performance of traditional media has been spelt out in academic

work, in particular by Dr Axel Bruns at the University of Queensland, and I would recommend his work to the inquiry's attention.<sup>6</sup>

To quote Bruns:

“Online media in particular have made it possible for audiences – or more precisely, users – to skip past news publications to directly connect with the organisations, institutions, and individuals in which they are interested – to follow first-hand the press releases and public statements of governments, politicians, companies, NGOs, and other figures of public life. Additionally, such active users are now also able to share with others what they observe as they do so, through a wide range of platforms ranging from collaborative bookmarking tools through personal and group blogs to social media sites, and thereby to find and connect with other users interested in similar topics. Such practices may not amount to journalism in an orthodox sense...but they provide a model for what may be better described as collaborative news curation by user communities...At the core of both these shifts away from gatekeeping is a practice which can be usefully described as gatewatching. News users engaged in organising and curating the flood of available news stories and newsworthy information which is now available from a multitude of channels have no ability to keep – to control – the gates of any of these channels, of course; however, what they are able to do is to participate in a distributed and loosely organised effort to watch – to keep track of – what information passes through these channels...Such gatewatching activities are far from new – journalists themselves employ similar practices when they pick newsworthy stories from the feeds of national and international news agencies, for example – but by transitioning from a select few journalists with privileged access to key sources to a widespread crowdsourcing effort involving a multitude of users with diverse interests, a much broader range of topics can be addressed, and a much larger number of potentially newsworthy stories can be highlighted.”

Other examples of the way in which new media can or might be used to foster more collaborative, and hopefully healthier relationships between journalists and their audiences are described in my book *Journalism at the Crossroads*. (Scribe 2011). At the request of the inquiry, a copy of this book has already been provided.

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<sup>6</sup> For example, Axel Bruns' 2005 book *Gatewatching: Collaborative Online News Production* published by Peter Lang, New York, 2005 and Axel Bruns *Gatekeeping, Gatewatching, Real time Feedback: New Challenges for Journalism*, available at <http://snurb.info/files/2011/Gatekeeping,%20Gatewatching,%20Real-Time%20Feedback.pdf>

(b) The impact of this technological change on the business model that has supported the investment by traditional media organisations in quality journalism and the production of news, and how such activities can be supported, and diversity enhanced, in the changed media environment.

The impact of technological change on media business models has been well canvassed in other submissions, and in my own previous published work.<sup>7</sup> Here, I wish to address the methods by which investment in quality journalism might be supported, and diversity encouraged.

Amid the gloom being experienced by mainstream media, it is often missed that there are now many new journalism start-ups. There is in fact immense energy and innovation, but much of it fails to reach its potential because of a lack of critical mass and sharing of skills, insights and ideas. New media entrepreneurs do not necessarily understand journalism, and journalists do not necessarily understand the potential or technological requirements of new media.

The inquiry has heard of some of these innovations (for example NT Mojo, discussed in the public hearings by Ivo Burum) and there are many, many others. Most are not “mass media” in the sense that we have come to understand it, but niche media serving small, but more intensely engaged audiences. As Eric Beecher observes in his submission, there is a business model to support such enterprises, and a new one springs up almost every week. Many will not survive the initial enthusiasm of their founders, but some will. Already, this sector is a major provider both of jobs for journalists, and media diversity.

Recent research published by John Cokely and others shows that it is already the case that more journalism jobs exist outside “big media” organizations than within them by a factor of four to three, where “big media” is defined as enterprises employing 10 or more journalists. Margaret Gee’s Media Guide lists 2770 media outlets. This represents an estimated 7967 journalists jobs across print, broadcast, online and agencies. Of these, 3407 jobs were in 99 publishing organisations employing ten or more journalists. The remainder - 4560 - were in 2357 organisations employing fewer than nine journalists – many employing only one.<sup>8</sup>

The leading USA journalism executive and academic, Philip Meyer, has stated

*“In the future journalism will have to survive, not by playing to mass audiences but by developing intense and high quality relationships with smaller audiences.”<sup>9</sup>*

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<sup>7</sup> In particular, *The Content Makers*..

<sup>8</sup> John Cokey, Maria Edstrom, Jessica McBride and Angela Ranke, Moving Away from Big Media. Australian Journalism Review July 2011.

<sup>9</sup> Philip Meyer, ‘Saving Journalism’ in the *Columbia Journalism Review* Issue 6, Jan/Dec 2004

This is also the scenario anticipated by the erection of pay walls for mainstream news organisations' content online. As media commentator Mark Day put it in a 2009 article anticipating the erection of paywalls at News Limited titles:

*"I gather the aim is to create sites that appeal to various user groups, built in the style of social networks. Some will be aimed at youth markets, others at the so-called working families, others at upmarket, culturally influenced, older audiences. Some will be defined by geography (that is, city or regionally oriented); others by specific interests."<sup>10</sup>*

In my own recent book *Journalism at the Crossroads*, I conclude:

*"The likely future for today's big media companies is not death, but drastic shrinkage. The revenue from digital platforms will almost certainly never reach the levels of print products of the past. The rivers of gold will never return; we had better get used to stacking the cents. I think it is becoming clear that The Age and The Australian of the future will be modestly profitable outlets, probably almost entirely online, owned by private investors. They will each employ only a handful of journalists. It will be a crowded space. Enterprises like Crikey, the remnants of legacy media, and as-yet-unthought-of start-ups will all compete for audiences and advertising. Those that charge for access to their content will have to offer something truly special — something not available elsewhere. That implies a high level of specialisation and differentiation. People will decide to belong to one or more media 'clubs', or communities, paying the price of entry and enjoying the benefits... We are entering the post-colonial era. The media empires are on the way out. As with all post-colonial eras, the population will be thrown on its own resources, and the results will not always be pretty. In the next few years, Australia will face a crisis, a civic emergency, with the loss of major media organisations and the journalistic capacity they represent. This has been coming for a while, but it is now upon us.*

*Yet within the crisis there is opportunity — new models, and the potential for new and perhaps healthier ways."*

If I and other commentators are right in these predictions, there are many areas of concern, including what happens to a community, and to a democracy, when media is so diversified and fragmented that we all consume different samplings of news and information.

Leaving that to one side, there can be little doubt that the main hope for increasing media diversity lies in encouraging start-ups, and enabling them to conduct quality journalism.

How might the immense energy and experimentation in media be harnessed to improve the diversity of journalism available to the community?

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<sup>10</sup> Mark Day, *The Australian Media Column*, 15 October 2009.

The risk of so much innovation and energy, both at universities and in small startup enterprises, is that the wheel is reinvented many times, with the lessons learned not being adequately shared.

I support the recommendation in other submissions for philanthropic donations for not for profit journalism enterprises and experimental start-ups to be granted tax deductible status.

As well, there are other measures, some of them already explored by governments in other fields, that might be adapted and applied to encourage diversity in journalism and media.

The Cutler Report on the National Innovation System included recommendations for a Knowledge Connections program to work with industry, academic institutions and innovators to “inculcate a culture of innovation...from the bottom up”.<sup>11</sup> A similar approach was also foreshadowed in Victoria, under the Brumby Government. That government identified digital media content, including journalistic media content, as a potential area of industry strength for Victoria, and instituted a range of measures to encourage its growth. These included direct grants to new media start-ups, including The Conversation<sup>12</sup> and YouCommNews<sup>13</sup>, but also anticipated the establishment of government funded “clusters of excellence”, involving universities, other research bodies and industry innovators. Other measures for government action anticipated by the policy included helping startup enterprises to access finance in the early stages of development, and brokering collaborations with international organisations, big companies and research and education sectors.<sup>14</sup>

I suggest that the Federal Government examine the ideas in these policies and action plans specifically as they relate to new media journalistic enterprises and start-ups. Such action would not only be worthwhile in its own right, but would also be complimentary to other areas of government policy surrounding the development of the National Broadband Network.

In particular, the establishment of “clusters” of innovation, perhaps centred on universities and including innovators in the mainstream of the media industry as well as new media start-ups, could ensure that positive ideas are shared, even when the enterprises associated with them do not endure.

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<sup>11</sup> Venturous Australia: Report on the Review of the National Innovation System. Available at <http://www.innovation.gov.au/Innovation/Policy/Pages/ReviewoftheNationalInnovationSystem.aspx>

<sup>12</sup> <http://theconversation.edu.au/>

<sup>13</sup> Declaration. Under this policy, the Foundation for Public Interest Journalism, of which I am the founding Chair, was successful in receiving two grants from the Victorian Government, the first to establish YouCommNews, and the second to support the New News 2010 conference, held in partnership with the Melbourne Writers Festival.

<sup>14</sup> Victorian ICT Action Plan . State Government of Victoria, 2010.

Much of the experimentation is already occurring through university journalism schools. The MOJO project is one example. Others include the UniMuckrakers project discussed in the Bill Birnbauer submission and the AusSud project at the Centre for Advanced Journalism at University of Melbourne, in which Sudanese people are trained in media skills.<sup>15</sup> There are many others, including the YouCommNews audience driven commissioning engine established by the Foundation for Public Interest Journalism at Swinburne University of Technology.

In the USA universities have been a hub of thinking, experimentation, practice and research around the future of journalism, much of it funded by philanthropic donations. Some details of this are outlined in the Birnbauer submission, which describes how universities have provided homes for not for profit investigative journalism enterprises.

Sadly, so far Australian universities' contributions in this area have been limited. There are a number of reasons for this. Partly, it is because Australia lacks the philanthropic traditions of the USA. Partly, it is because the university sector as a whole is under-resourced, and projects must be tightly bound to the core revenue raising activities of teaching and nationally competitive research grant applications.

I have been involved in a number of research grant applications to the Australian Research Council aimed at fostering practice based research around further innovation. Through this process, I have become aware that although a better informed citizenry is surely in the national interest, this is not reflected anywhere in the ARC National Research Priorities.

The ARC National Research priorities are currently listed as:

- an environmentally sustainable Australia
- promoting and maintaining good health
- frontier technologies for building and transforming Australian industries
- safeguarding Australia.

It would be possible to add to these a further point, specifically designed to encourage applications, and grants, that foster research and innovation in journalism. Possible wordings for new research priorities might be:

- a robust and functional democracy and civic life

OR

- a well informed and empowered population

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<sup>15</sup> Details at [http://www.caj.unimelb.edu.au/research/further\\_research](http://www.caj.unimelb.edu.au/research/further_research)

c) Ways of substantially strengthening the independence and effectiveness of the Australian Press Council, including in relation to online publications, and with particular reference to the handling of complaints.

The practice of journalism is two sided, and only vain or stupid journalists deny it. When things go wrong in society the media is always part of the problem, and often part of the cause. Journalists, like anyone else, can be corrupt and venal, with information and access to the powerful their main currencies. On the other hand, the main way to control powerful people is public opinion, and good journalism represents our best chance that public opinion will be informed.

This is the problem facing the issue of how the Australian Press Council can be strengthened and made more effective. How to do it in a way that checks the excesses and increases the accountability of journalists and editors, without also throttling their potential for good?

The core of the problem is that good journalism is almost necessarily “unauthorised”, edgy, controversial and aberrant. Journalists operate in the world of the leak and the unauthorised disclosure. In recent weeks Victoria has seen the Tristan Weston affair, and the exposure of how the media was used to undermine former Police Commissioner Simon Overland –an issue that the Office of Police Integrity has specifically drawn to the media inquiry’s attention. Yet the heroic side of the history of journalism is also full of unauthorised disclosures, such as the Pentagon Papers and the Watergate scandal. More recently we have seen the News of the World telephone hacking scandal in the United Kingdom, in which it was journalists at the Guardian who exposed what other journalists were doing – something police and politicians had been unable or unwilling to do. The exposures by *The Guardian* were the product of many confidential conversations and information received from sources.

Often it is hard to tell at the time whether a leak has been good, or bad. The Age, for example, recently revealed that the OPI was tapping former deputy police commissioner Ken Jones’ phone. Clearly, that story came from a leak. The public interest reason for the scoop? That the OPI might have been abusing its phone tapping powers – a legitimate cause of concern. The effect? The destruction of a current inquiry that might have told us more about politicians’ involvement, corruption, how Simon Overland was undermined, and public opinion manipulated. Yet if we justify invasions of privacy by the chance that such things MIGHT be discovered, we are surely all in trouble.

History suggests that societies need, or at least endlessly reinvent, this potential for unauthorised disclosure. Even if we imagine that the media did not exist, and there were no journalists, gossip would still circulate. In the modern world, there is Wikileaks. Whatever happens to that organisation, technology means that the potential for unauthorised disclosures to the world is now with us for good.

Looking back, we know from anthropology that almost every human society ever covered has had means of spreading news and information. It was the invention of the printing press which, over some centuries, led to the beginnings of modern media, the profession of journalism, and (over about 300 years) modern ideas of “objectivity” and “verification” as part of what journalists can and should do.<sup>16</sup>

Journalists and their editors make the decision about what to disclose. They are the ones who, if they are doing their jobs well, will verify the gossip they hear, and make decisions about the public interest. Yet many, even most of their important decisions take place in a “closed box” in which scrutiny is limited, because the identity of the source is not known.

How are they to be held to account, when the whole notion of regulation, and in particular authorisation, is in tension with the best things that journalists do?

It seems that in the evidence and submissions to this inquiry so far, almost nobody is arguing for licensing of newspapers or heavy handed government regulation of journalism. Nobody, or very few, want journalists to be fined or subject to other punitive sanctions. Nobody wanted to ban campaigning journalism, even when they suspected the motivations of the campaign.

I agree with this consensus.

Yet there is also majority agreement that many news media outlets are failing to live up to their own ideals and stated standards.

The only alternative to statutory regulation is better self regulation, perhaps backed by statutory incentives. Under the inquiry’s terms of reference, the focus is on the Australian Press Council.

It is a measure of how badly the media industry has handled itself in Australia over many years that the best hope for improvement rests on such faulty foundations. Only eighteen months ago, the Australian Press Council was a very sorry beast indeed, and many people including me thought it was best put out of its misery.

Evidence from previous and present Press Council Chairs has canvassed how publishers can and have left the Australian Press Council, taking their money with them. Inadequate resources and feeble will have meant that the Council’s profile has been woefully low, its adjudications on complaints poorly written and largely invisible and its processes inadequate. It has done some good, largely behind the scenes, in negotiating on behalf of individuals but on the big issues it has been ineffective or so late to the party as to be irrelevant.

Only three years ago the publishers drastically cut its funding – a part of recent history they now would like us to forget.

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<sup>16</sup> For more on this, see Mitchell Stephens *The History of News*, (Third Edition) Oxford University Press 2006.

The current Press Council Chair, Julian Disney, has led a reform movement, revisiting its standards and procedures and clawing back some of the funding. I have watched and reported on this effort, and am hopeful about its results. Yet the underlying reality – which none of the representatives of media organisations will acknowledge in public - is that publishers would prefer the Australian Press Council to remain weak. We know this, because of the history, and because of the things that are said away from public view.

I suspect that Disney and his reform effort will either crash through or crash with this inquiry. Behind the scenes the publishers are not happy that he has helped place them in a situation where the Council may grow independent teeth. This has been made clear to me in the course of my reporting of his reform efforts. As soon as public gaze moves away from the Australian Press Council, I fear for its future unless it achieves independence and backing before them.

The Council needs to get much better, very fast. It needs to be able to respond quickly – perhaps within hours – to media abuses. It needs to be a catalyst for all those operating in journalism – including new media start-ups and citizen journalists – to heed standards. It also needs to be able to stick up for journalism, including and especially when that journalism is annoying the powerful.

It is abundantly clear that to do these things the Australian Press Council needs both more funding, and certainty of funding. This is even more the case if it is to contemplate any kind of industry wide role in the converged media environment – something that makes sense in the medium term, if not immediately.

There are only two possible sources of funding– money from the industry, and money from Government. If the money is to come from industry, it will necessarily be uncertain, unless it is to become part of a defacto licensing system for publishers, which would be almost impossible to police, and to which I and most other submitters to this inquiry strongly oppose as incompatible with freedom of the media and freedom of speech.

Other options might include persuading publishers to sign up to long term funding agreements with the Australian Press Council, over five years or more, to remove the risk that money could be withdrawn because of adverse adjudications of the pressures of particular controversies. However, I am not hopeful about this. As I said before, I think the unstated reality is that Australia’s main newspaper publishers would prefer the Press Council to remain weak.

The other risk of a levy on publishers is that it could act as a disincentive and extra cost to the badly needed new media start-ups that offer the best chance of introducing diversity to news media ownership.

Government funding is also not a perfect model. Taxpayers may reasonably resent an industry that has been vastly profitable in the past (whatever its current and future difficulties) drawing on the public purse for its self regulation. There is also the fear of government interference, and clearly politicians should be the last people to regulate journalists.

Yet there is no denying the broad public interest in an accountable media following recognised standards. The advance from the pre-printing press society towards the wide availability of reliable, verified information collected and curated by professional journalists was a major advance in human civilisation. It made democracy possible. It remains essential to the healthy functioning of democracy.

Yet sadly there is also no denying that history tells us we can't rely on the industry to adequately support its own self regulation.

Recognising that there are no perfect solutions, I favour guaranteed arms' length government funding for the Australian Press Council, combined with long term funding agreements from the industry.

It is essential that mechanisms be set up, in both cases, to make sure that the money is separated from the power to interfere.

I do not favour statutory sanctions, over and above those that already exist under the law. Government regulation and journalism are like oil and water. They won't mix. Good journalism relies on being unauthorized, but that doesn't mean that journalists shouldn't be held to account.

The invigorated Australian Press Council's main weapons should be, not punitive sanctions but the journalists' currency: public disclosure. Only public opinion can hold the powerful to account. That's true for journalists, just as it is true for their subjects.

The remaining issue is the coverage of the Council. Should it extend its reach to broadcast media, and how might online news services, including the very small, be persuaded or coerced to join up?

The only workable method, I believe, is self selection, but consideration should be given to statutory carrot and stick, including, as canvassed in the submission from the Information Commissioner, the current exemption under Privacy legislation, and the federal and state shield laws relating to the protection of journalists sources. The latter presently applies, under federal law, to anyone "engaged and active" in the publication of news in any medium – theoretically covering bloggers, the providers of Facebook pages and almost any other individual using the web to spread news and information. This clause is bound to be tested in the courts sooner or later, and may prove unworkable in practice.

It might be possible to amend it to apply to anyone "engaged and active" in the publication of news in any medium, publishing in outlets affiliated with the Australian Press Council.

Other organisations, such as parliaments, and the courts, which regulate media access to public forums and provide assistance to journalists, could also introduce recognition of Press Council affiliation into their practices.

It will also be important to construct a funding regime that does not act as a disincentive to new media start-ups.

On top of all this, it is essential that the Australian Press Council itself embraces the potential of new media to get its own story before the public, including engaging in active debate. Key officials and members of the Australian Press Council need a fast update in understanding of new media, or they will quickly become irrelevant.

d) Any related issues pertaining to the ability of the media to operate according to regulations and codes of practice, and in the public interest.

Here, I would like to draw to the inquiry's attention the so-called "OzLeaks" case, as a pertinent and useful case study in media responsibilities and the media's ability to operate in the public interest.

By way of background, I would like to quote from a section of the final report of the Fitzgerald Inquiry into police corruption in Queensland, which, as I outlined above, I had a hand in writing – an experience which greatly influenced me.

*"The media is able to be used by politicians, police officers and other public officials who wish to put out propaganda to advance their own interests and harm their enemies. A hunger for "leaks" and "scoops" (which sometimes precipitates the events which they predict) and some journalists' relationship with the sources who provide them with information, can make it difficult for the media to maintain its independence and a critical stance. Searches for motivation, and even checks for accuracy, may suffer as a result...This places an extra responsibility on the journalist. Both the journalist and the source have a mutual interest: both want a headline. Yet if the journalist is so indiscriminating that the perspective taken serves the purposes of the source, then true independence is lost, and with it the right to the special privileges and considerations which are usually claimed by the media because of its claimed independence and "watchdog" role. If the independence and the role are lost, so is the claim to special consideration."*<sup>17</sup>

As well as asserting the continued relevance of this paragraph, I would add that today we are dealing with another phenomenon as well: media organisations pursuing campaigns on their own initiative. It is sometimes not the uncritical acceptance of the sources' perspective which most threatens independence and watchdoggery, but the uncritical acceptance by the journalists of the media outlet's own agenda – its affection for and advocacy for its own point of view, and the legitimacy of its own previous "scoops".

Campaigning journalism is hardly new. Indeed, I would argue that in some ways it should be encouraged. Campaigns against injustice were the driving force of journalists from Charles Dickens to the present day. The desire to campaign was the motivation behind much of the early history of newspapers. Campaigns to improve the city (Save the Yarra) were part of the "golden age" of The Age newspaper in Melbourne. Most of the high points of journalistic history include a deliberate decision by an editor or a proprietor to devote journalistic resources and attention to a particular issue or perceived maladministration or injustice. To attempt to ban or limit such campaigning

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<sup>17</sup> Report of a Commission of Inquiry Pursuant to Orders in Council Queensland Government Publisher, 1989, pg 141-2.

is offensive to freedom of speech, and would throttle much of that which is most positive about the role of the media.

Yet it is also the case that when a media outlet conducts a self interested campaign, or (to quote the Media Alliance Code of Ethics) fails to disclose all relevant facts, and gives misleading and improper emphasis, a tension arises around the special rights and privileges claimed by journalists. This is particularly the case in Australia at present, because of our unhealthy concentration of newspaper ownership. While it is true that other mediums than newspapers make up part of the media mix, and dilute News Limited's dominance, we are not only talking about audience reach, but about journalistic capacity. Newspapers are important not because there is some magic about ink on paper, but because historically they have employed the highest numbers of journalists. At present Australia's main employer of journalists is the ABC, but after that, News Limited is dominant. The fact that News Limited controls 70 per cent of newspaper circulation in Australia means that it also employs a critical mass of journalistic capacity.

This situation creates a natural tension around the claim of media to special considerations, freedoms, access to the powerful and the unwritten social licence we give to journalists to ask rude and difficult questions of powerful people, and to deal in unauthorised disclosures.

It is no secret that perceptions that News Limited is conducting a campaign against the current government and The Greens party forms part of the background to the establishment of this inquiry. I don't wish, in this submission, to canvass the question of whether this campaign exists, and whether it is soundly based, or not. I certainly believe that News Limited has a perfect right to conduct such a campaign if it wishes, just like any corporate citizen. However, it can hardly object if its behaviour, rights and privileges come under increased scrutiny as a result. And, given its own stated adherence to an industry code and Australian Press Council standards, it is natural and appropriate that it is held to account on standards of accuracy, fairness and balance.

The case I want to focus on concerns a different kind of campaign by News Limited, and in particular *The Australian* newspaper, concerning the Victoria Police, former Police Commissioner Simon Overland and the Office of Police Integrity. I choose this case study because I have been involved in reporting it over the last 18 months, mostly for *Crikey*.

### The History<sup>18</sup>

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<sup>18</sup> This summary of the history of OzLeaks is drawn from my own knowledge of the affair, having reported both the Federal Court action and the current Magistrates Court committal hearing in the case of Artz. Where I can, I have footnoted affidavits in the current Magistrates committal hearing in *OPI v Artz*. If the inquiry wishes, I can provide my stories, written for *Crikey* on this affair. Other reporting and commentary has been carried on the ABC Media Watch program.

This piece of recent history begins with the publication by *The Australian*, on 4 August 2009, of leaked information about a major anti terrorism operation, Operation Neath, on the very morning that raids took place and arrests were made. The man accused of being reporter Cameron Stewart's source for the leak, former Detective Senior Constable Simon Artz, is presently before the courts on multiple charges of leaking. Cameron Stewart is the principal witness against him, and has identified Artz as his main source.

Stewart has told the court that he is giving evidence against Artz reluctantly, and only because Artz signed a waiver freeing Stewart from his ethical obligations not to reveal the identity of confidential sources. Stewart's stance has been endorsed by the Media Entertainment and Arts Alliance in a statement issued last week, signed by some of Australia's most senior journalists. This statement states in part:

*"It is not for journalists to speculate as to a source's motives for releasing them from a confidentiality agreement – nor can a journalist choose to ignore the decision to release him or her from a confidentiality agreement. Nor, in such circumstances, can journalists choose to disobey the law by refusing to cooperate with investigators. If the condition of confidentiality is subsequently waived, then a journalist loses the privilege protection enshrined in clause 3 of the Code. The journalist is then required to observe by clause 1 of the Code: Do not suppress relevant available facts as well as respecting the truth and the public's right to information. Stewart has no protection under the Code to continue to suppress information once he has been released from his ethical obligation. Indeed, once released he is under ethical, moral and legal requirements to co-operate with the law.<sup>19</sup>"*

This sequence of events is likely to form the raw material for case studies of journalists' obligations to their sources for many years to come.

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<sup>19</sup> Cameron Stewart. Statement Released by the Media, Entertainment and Arts Alliance, 13 November 2011. Signed by Christopher Warren, federal secretary, Media, Entertainment & Arts Alliance, Peter Lewis, ABC federal president, Alliance Media Section, Laurie Oakes, Nine Network chairman, Walkley Advisory Board, Norrie Ross, *Herald Sun*, Media Alliance Ethics Panel, Michael Bachelard, *The Sunday Age* Victorian president, Media, Entertainment & Arts Alliance.

But the long running “OzLeaks” saga, and its intersections with the campaign against Overland, raised ethical issues long before that.

To recap.

Cameron Stewart telephoned the Australian Federal Police on 30 July 2009 saying he had information on an anti-terrorism operation which the newspaper intended to publish the next day. Negotiations followed between senior members of the Australian Federal Police, and the editor of *The Australian*, Paul Whittaker. The AFP were pleading with the paper not to publish, for fear of jeopardising the operation, and placing lives at risk. At this point, *The Australian* and Stewart did not know that the operation concerned a threatened domestic terrorism attack. That fact was conveyed to Whittaker and Stewart by the AFP.

According to AFP Commissioner Tony Negus, the following exchange took place in a telephone call between him and Paul Whittaker.

*“Mr Negus: “Look, I am formally requesting you from the AFP, Victoria Police and ASIO not to go ahead with this story. People's lives are at risk if you publish this story tomorrow.”*

*Mr Whittaker: “Well, how many lives are at risk?”*

*Mr Negus: “Well, if these people are aware of police interest, they may well not go for their intended site ... Publishing the article will put public safety at risk!”*

*Mr Whittaker: “Well, what are we talking about? One person being killed, or ... a number of people being killed?”*

*Mr Negus: “You do not have the entire story and The Australian's intended publication ... has far more serious consequences. There are domestic aspects to this investigation, which involved planned attacks on a military base.”<sup>20</sup>*

Whittaker has denied that he asked the questions attributed to him by Negus.<sup>21</sup>

Negus has told the Melbourne Magistrates Court that he feared that if tipped off to the investigation, the suspects would simply go down to a local shopping centre and start shooting people. He regarded Whittaker’s behaviour as “reprehensible” and was disappointed he had to negotiate so hard to prevent the publication. He was, however, happy that in the end he was able to reach an agreement.

As a result of the negotiations, the AFP arranged to give Stewart very detailed briefings on Operation Neath, in return for *The Australian* holding off publication of the story. The

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<sup>20</sup> Affidavit by Tony Negus, Exhibit in OPI v Artz.

<sup>21</sup> Statement issued by Whittaker and given to members of the media, 2 November 2011.

agreement reached was that *The Australian* would delay publication until after the raids were scheduled to take place, in the early morning of 4 August.

Various different accounts of the precise detail of this agreed publication time are contained in evidence now before the courts. Deputy Commissioner Drennan has told the Magistrates Court that Stewart told him the paper with his article in it would not be available until 5am on the streets of Melbourne. Other evidence suggests the agreed time was earlier than that – 3 am. 22

Meanwhile, the raids were brought forward from a previously agreed date of 11 August, at least partly because of the fears about the leak. Some in the joint taskforce had been arguing for a later date, hoping that more evidence could be gathered. The leak to Stewart brought an end to that possibility.<sup>23</sup>

The federal Attorney General and the then Prime Minister were briefed about the Operation, and the leak, and legal means were considered to prevent the publication. None were judged to be available.

As it happened, *The Australian* newspaper was available on the streets of Melbourne from 1.30am. Police media advisers were aware of copies being bought at Seven Eleven Outlets before the raids took place. Deputy Commissioner Drennan rang Stewart on the morning of 4 August about this. Stewart said he would make inquiries with the Editor in Chief of *The Australian*, Chris Mitchell. Drennan claims "I recall Stewart being apologetic during my telephone conversation with him." Later, Drennan spoke to Whittaker, who could not give him any explanation for the early appearance of the paper.

Meanwhile, Victoria Police members involved in the operation were extremely displeased that so much information had been given to Stewart. This was the subject of a sharp disagreement between Victoria Police and the Australian Federal Police.

On the day of the raids, in a media conference, Victoria Police Commissioner Simon Overland was highly critical of *The Australian* for the early publication of the newspaper, saying it had put the lives of police involved in the raids at risk.

The events described above formed the basis of a joint investigation by Victorian OPI and the Australian Commission for Law Enforcement Integrity (ACLEI). The OPI was investigating the source of the leak. The ACLEI was investigating whether the conduct of the AFP in providing the briefing to Stewart amounted to corrupt behaviour, in that information was traded for favourable media coverage.

This resulted in a draft report by ACLEI-OPI in March 2010. As part of normal process of administrative law, this report was shown to News Limited, and seen by the Editor in Chief of *The Australian*, Chris Mitchell.

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<sup>22</sup> Affidavit by Peter Drennan, Exhibit in OPI v Artz

<sup>23</sup> Affidavit by Victoria Police Deputy Commissioner Kieran Walsh, exhibit in OPI v Artz.

This draft report is known to have been highly critical of *The Australian's* conduct, and to have canvassed statements made by Cameron Stewart in an interview with the OPI about where he got his information. It also contained the Negus affidavit, detailing his alleged conversation with Whittaker.

The Australian's response to the draft report, in the form of a letter from Chris Mitchell to the Director of the OPI, was later leaked to *The Age*.

Mitchell wrote:

*"I assure you The Australian newspaper will use every journalistic and legal measure available to pursue what can only be described as an outrageous fabrication ... should our concerns not be addressed."*<sup>24</sup>

News Limited took action in the Federal Court to have the joint report of OPI and ACLEI suppressed, and all the evidence thrown out.<sup>25</sup> That action resolved with ACLEI withdrawing and writing its own report, published in April 2010.<sup>26</sup> The OPI eventually settled on the basis that it retained its evidence, including the substance of the interview with Stewart, but withdrew those parts of its report critical of *The Australian*. The OPI report has not yet been released, due, as I understand it, to the matter being before the courts.

While the Federal Court action was underway, *The Australian* also used journalistic means to pursue its agenda. The newspaper's leading investigative reporter, Hedley Thomas, was sent to Victoria, and a long series of stories resulted that were critical of Overland, and the OPI. They began with allegations that inadequate action had been taken to combat racism in the Victoria Police, but quickly moved on to a range of other allegations, sourced largely from the lawyers of former Assistant Commissioner Noel Ashby and Police Association Secretary Paul Mullet, both of whom had been the subject of prosecution by the OPI.

The substance of the campaign was that Overland was responsible for a leak that jeopardised a murder investigation, that and the OPI were too close, that the OPI was a "rogue agency" and so on.

The articles, beginning on 19 March 2010 and continuing up to the present day, many by Thomas but also involving other members of *The Australian's* Melbourne bureau, will be easily available to the inquiry. I include a selection as Appendix B.

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<sup>24</sup> Rafael Epstein Police Chief in Clear Over Leak as Murdoch Paper Accused. *The Age* 12 June 2010, available at <http://www.theage.com.au/victoria/police-chief-in-clear-over-leak-as-murdoch-paper-accused-20100611-y3o6.html>

<sup>25</sup> Nationwide News Pty Ltd & Anor v Integrity Commissioner and Ors. File Number VID 164/2010.

<sup>26</sup> Australian Commission for Law Enforcement Integrity. *An own initiative investigation into possible corrupt conduct in the Australian Federal Police, concerning an operational security breach* April 2010.

My own reporting on this affair should also be readily available to the inquiry, but I include the main comment piece published on 10 June 2010. My view can be summed up by the following extract:

*“There are kernels of legitimate stories in some of The Australian’s long running campaign on this issue, but evidence has been used selectively, other evidence has been pushed way too far and what is missing is understanding and context. The final result is something warped and dangerous in journalism.”*

I am happy to provide more of my reports for Crikey on this matter if requested.

At this time – June 2010 – as *The Australian* campaign against Overland and the OPI reached its height, the ACLEI-OPI draft report was still suppressed and the two key pieces of information contained – that Stewart was the main witness against Artz, and the details of the alleged Whittaker-Negus conversation – were not public.

Gradually, word got out about Stewart and Artz, and the deed of release signed by Artz, but the Whittaker-Negus conversation emerged only two weeks ago, when *Crikey* and *The Age* successfully contested a suppression attempt by the AFP in the committal hearing concerning Artz.

During the long running campaign against Overland and the OPI, *The Australian* rarely if ever made it clear that it was engaged in legal action with the OPI.

All this preceded the appointment of Tristan Weston as ministerial adviser, and the events laid out in the OPI *Crossing the Line* report released only a few weeks ago.

I think the evidence shows that *The Australian* embarked on a legal and journalistic campaign because of Overland and the OPI’s criticisms of its conduct. This represented, at the very least, a conflict of interest.

I also think it is probable that had this campaign not taken place, then Simon Overland would probably still be the commissioner of the Victoria Police. The media campaign was not the only factor weighing against him. He had internal critics, and made serious errors of judgement. But without the media campaign, it seems to be that he would probably have survived in the post.

Whether or not that is so, I think the following facts are beyond dispute.

- The AFP were put in a position of disclosing information with national security implications to a journalist
- This caused a serious rift between the AFP and the Victoria Police
- The Operation Neath raids were brought forward, at least partly because of the leak and the threat of publication
- Lives were put at risk when the deal, for whatever reason, came unstuck and the newspaper was published before the raids

- The AFP were suspected of corruptly providing information to *The Australian* in return for favourable media treatment. (And were cleared of this by the ACLEI report).
- The AFP has more recently been accused of “being the leaker” by Cameron Stewart, speaking from the witness box in the Magistrates Court
- A man accused of being a journalists’ source faces the possibility of jail, with the journalist concerned the main witness against him.
- The Victorian Police Commissioner and the OPI were significantly undermined.

All this, yet the original story published on 4 August 2009 has little public interest component. It was certainly a scoop, in the sense of breaking news, but no maladministration or corruption was revealed. As a result of the publication, the public found out about Operation Neath a few hours earlier than it would have in any case.

I think *The Australian* deserves strong criticism for its suppression attempts, its use of journalistic resources to pursue its self interest without sufficient declaration, and its use of many methods to discredit its critics.

However, I acknowledge that this saga is not simple, and there are many shades of grey involved.

There is no doubt that there were legitimate issues raised during *The Australian's* campaign against Overland and the OPI. I am also entirely certain that the reporters concerned have become convinced that they were on to a major story, and that their colleagues in the rest of the Victorian media have missed it.

Among the legitimate issues interwoven with the bias were racism in the Victoria Police, the OPI’s less than perfect record with failed prosecutions and technical stuff-ups, the relationship between Overland and the OPI, and concerns about how the OPI uses its powers, including telephone tapping powers. There were legitimate questions to be asked about aspects of Overland’s behaviour and judgement in disclosing details of phone taps to his media adviser (who went on to disclose these details to others), and Overland made other errors of judgement, including the way he handled the release of police statistics. This was criticised in the Ombudsman’s report immediately before his resignation.

Nor is the OPI a perfect body. I have recently become aware of a flaw in its recent *Crossing the Line* report. On page 63-64, that report canvasses the origins of a report by Stuart Rintoul in *The Australian* of 21 May 2011. The report says it is “unclear” whether Greg Davies of the Police Association gave information to Rintoul but that “plainly he offered to do so”. In fact, Rintoul’s story was a follow up to an interview by 3AW’s Neil Mitchell with the then Victoria Police deputy commissioner Ken Lay. It was not sourced from Weston, or Davies. I understand that the OPI did not contact *The Australian* for

comment before including this in its report. I think it should have. Although this single item does not change the general picture laid out in *Crossing the Line*, it does make a worrying slip in tracing the chain of causality.

*The Australian's* current line of defence is that the key to the whole saga lies, not in its misconduct, but in police politics.<sup>27</sup> Stewart has claimed that the whole affair – including the criticism of *The Australian* – only arose because of Overland's disagreement with the conduct of the AFP in briefing Stewart. It is clear that police rivalry, and poisonous police politics are indeed involved in this saga. But it is wrong and self serving for *The Australian* to argue that this disposes of the question of its own conduct. It is also surely the case that the conduct of the media have inflamed and made worse the pathologies of the forces, rather than fostered constructive scrutiny and reform. *The Australian* has effectively played on one side of the police factional brawl, giving credence, newspaper space and attention to the anti-Overland forces.

For what it is worth, my view of the role of the *Herald Sun* in the events described in *Crossing the Line* is that it is an example of the phenomenon identified in the passage I quoted above from Fitzgerald's report – a coalition of interest between source and reporter, with both hungering for a headline – rather than a deliberate campaign. It is notable that when *The Australian* was conducting its campaign against Overland and the OPI, the *Herald Sun* stood back from the fray, and played a straight bat. I would not accuse it of being the initiator of a campaign – merely of having been used by its sources.

The conduct of *The Australian* is a different matter. I think it is an example of the second problem I identified in the preamble to this section of my submission – a loss of independence and legitimate watchdog status due to the uncritical acceptance by the journalists of the media outlet's own agenda – its affection for and advocacy for its own point of view, and the legitimacy of its own previous "scoops".

### What Can Be Done?

During the eighteen months I have been reporting this sequence of events, I have tried to think about how things might have turned out differently. What standards or arrangements might have led to healthier outcomes?

How might journalists and editors be held to account for the enormously significant decisions they make, without destroying their ability to raise legitimate issues of public concern?

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<sup>27</sup> See the report of Stewart's evidence in The Age of 14 November. Adrian Lowe, Journalist Blasts Police Politics over Terror Raid Leak. Available at <http://www.theage.com.au/national/journalist-blasts-police-politics-over-terror-raid-leak-20111114-1neim.html>; and Crikey's report, by Andrew Crook of the same date Stewart Points Finger at Overland for 'police politics' that Nabbed Artz. See also The Australian's Media Diary of 7 November 2011.

Here are some of the fruits of that reflection. These are not necessarily my final views or recommendations, but some of the mechanisms that have occurred to me

### Honest broker

If there had been an honest broker available – perhaps the Australian Press Council – which could have moderated the negotiations between The Australian and the AFP in the wake of the leak to Stewart, then it might have removed perceptions that the AFP was inappropriately influenced by the desire for favourable publicity. The agreements reached, particularly on time of publication, might have been better understood, and written down. This might have meant they were better observed. Any such broker would have to be trusted by both sides, able to respond fast, and genuinely independent.

### Exposure

The conduct of the Australian in beginning its campaign against the OPI and Overland was the subject of reporting by me, and several items on the ABC program Media Watch. This has resulted in attacks, both on me and Media Watch. Criticising The Australian when it is in campaign mode brings a certain and virulent response. Yet if we accept that a private media organisation is entitled to deploy its journalistic resources as it sees fit, then criticism and exposure of its conduct is the only means by which it can be called to account.

A better resourced and robust Australian Press Council might choose to respond in a situation like this, investigating the circumstances and the evidence, and pronouncing on issues relevant to its standards.

### Third party complaints to the Australian Press Council

Previously, the Australian Press Council has rejected complaints from people not directly involved in publication. A greater willingness to entertain such complaints might help to ensure that the media is held to account for its campaigning. For example, complainants in the Ozleaks affair might have included, not only the OPI or Overland, but others concerned with media conduct and the state of Victoria.

### Ethical Advice and Training

I know that my concerns about the Ozleaks affair are shared by some of the editorial staff at The Australian. Some consulted me about my opinions, and sought advice from me on questions of ethics. Obviously, as a player in this saga, I am not an appropriate source of such advice.

If there was a source of timely, trusted, confidential and independent advice for reporters, particularly young reporters, it would make a positive contribution to

journalistic cultures, and effectively increase the internal accountability of newsroom executives.

As previously canvassed, better ethical training, both for executives and younger reporters, would also add to the effectiveness of the existing codes.

## CONCLUSION

I hope that some of the observations above will be helpful to the inquiry in its work, and I wish it well in its endeavours.