

# Exploding The Objectivity

## Myth: A case study of participatory journalism

Is there a new genre of journalism emerging which legitimates active participation in the events being reported? If this genre is in existence, what has happened to the traditional ethic of journalistic objectivity?

This article argues that journalistic *objectivity* is really an iconic code of practice. The code is broad enough to allow its 'interpretation' to accommodate specific circumstances and also entrenches the myth that a person can consciously set beliefs or prejudices aside when interpreting events.

The argument that journalistic objectivity is encapsulated in a variable code of practice is supported by a case study of a civil stalking trial heard in the Queensland District Court in 2003. The complaint was brought by the then female Mayor of the Maroochy Shire against a former lover and business associate. The region's major daily newspaper not only reported the trial on a day-by-day basis, it also ran reader polls about the Mayor's suitability for the position she held and referred to other issues outside the evidence of the actual stalking trial.

The trial Judge rebuked the paper from the bench for its blatant participation in what was a civil matter, noting that if the trial had been before a jury it would have been aborted because of the newspaper's actions. The editor defended the paper's involvement because he considered the salacious material revealed in evidence had greater public ramifications.

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## Introduction

Journalism textbooks stress that the reporter must make a demonstrated effort never to allow personal prejudices, beliefs or emotions to influence the spread of information or the interpretation of events. In these texts, *objectivity* requires intentness on things which are 'external to the mind' in the manner of scientific investigation coupled with high quality professional practice (Tuchman 1971, p. 660ff). A major factor is overlooked when this saintly intentness is invoked. At some stage in the reporting process, the journalist has to decide whether or not the event is worthy of coverage and how it should be addressed.

This subjective involvement in an issue 'yields the flavour, the style, the personalness' of an approach to an event (Deutscher 1983, p. 41). Subjective involvement also results in 'the role of the observer' always [being] selective and usually creative' (Walter Lippman quoted by Murdock in Cohen ed. 1982, p. 156). From this point, the argument about the possibility of objectivity bifurcates.

There are some commentators who argue that if journalists are in some way distanced from their sources, this separation would make their interpretation of events meaningless. These commentators admit that what is called *objectivity* has nothing to do with scientific method or the 'intentness of mind' outlined earlier. The core of their argument is that a journalist can have strong views or emotions about a topic and not introduce bias by omitting vital information (Mannheim 1976, p. 270). *Objectivity* is used in this context as an iconic description for what is really a code of ethical practice. Adherence to the code of practice does not automatically guarantee that a journalist's subjectivity in interpreting events or that some form of bias is not present. However, it does signify that 'a sophisticated attempt' has been made to interpret events in an unbiased way using provable sources (McKnight 2001, p. 50).

Those who totally dismiss objectivity as a journalistic concept see the person trapped by the way subjective nature screens ideas and establishes frames of reference (Birrell 1980, p. 34). Since there is no way to determine with certainty how far our perspective is influenced by the subconscious element of our subjectivity, objectivity can be 'a

rock under which journalists with nothing to say or too scared to say it can crawl' (George Negus in Henningham 1988, p. iv). Objectivity is still used as an iconic journalistic term, but is linked to imprecise concepts such as 'balanced reporting', 'the pursuit of truth' and 'fairness to all sides' (Henningham 1988, p. 117ff; and Herbert 2000, pp. 64 – 65).

A more realistic approach is to argue that what we will cite as *objectivity* becomes possible through the 'intelligent use of our subjectivity' (Deutscher 1983, p. 19). For this to occur, three components must be present simultaneously. There must be an event which requires some form of evaluation. A conscious effort must be made not to interpret the event solely within the framework of personal beliefs or prejudices. Finally, there must be a critical awareness of personal limitations, including lack of relevant knowledge about the event, conflicts of interest and strongly held beliefs (Deutscher 1983, pp. 43 – 53).

If we allow that philosophic objectivity is possible through the 'intelligent use of our subjectivity', it can also exist in the journalistic context through commitment to factual reporting. However, this commitment to factual reporting is still a vague term without codified guidelines which establish its parameters and conventions.

These conventions include what is considered ethical journalistic practice in gathering information, the use of sources and the role of the editor or publisher in determining what is published or suppressed. The Australian Journalists Association *Code of Ethics* establishes four broad conventions: honesty, fairness, independence and respect for the rights of others (see [www.alliance.org.au](http://www.alliance.org.au)). The parameters encompass ethical and legal considerations such as source confidentiality, cultural sensitivity in reporting events, factual reporting that avoids defamation and respecting the privacy of the individual or others who may be involved at the periphery of the event being reported.

When the 'intelligent use of our subjectivity', journalistic practice guidelines, ethical and legal parameters are combined, journalistic *objectivity* is much more complex than a simple act of will in not allowing personal subjectivity to intrude into the factual reporting

process. Respected television journalist Jeff McMullen has dubbed this complexity 'our little bubble'. He argues that interpreting events 'only comes about when you draw out the complexity of a situation' and we need journalists who say "No!" when they are asked to do things that are unethical' within this code of practice (*ABC Media Report*, 08 August 2002).

This discussion of journalistic objectivity, which is encapsulated within a code of practice, will later be applied to a case study of the reportage in the local newspaper of the stalking trial involving the then Mayor of the Maroochy Shire, Mrs Alison Grosse and her former lover and business associate, Mr Robert Purvis.

The case study will focus on a number of key questions. How much of the coverage was 'news' and how much was sensationalist reporting? Would the coverage have been any different if the plaintiff had been an unknown person and not a civic leader? Should things normally considered 'private' in a person's life be widely publicised. When did factual reporting of the court's case end and speculation begin? Were photographs and quotations selected in such a way that they became commentary?

### **News, regional news values and privacy**

Before examining the reportage of the trial in the context of journalistic objectivity encapsulated in a code of practice, it is necessary to address three issues. What is meant by the term 'news'? Is there a difference between the news values of a regional newspaper and its state or national counterparts? How far is a person's natural right to privacy altered by their position in society?

Forty years ago the then doyen of the Canberra Press Gallery, the late Alan Reid, told the inaugural Summer School of Professional Journalism that there were nearly as many approaches to what constitutes news as there are journalists (Reid 1965, p. 26). Another approach to the genre is that news 'makes tenuous correspondence between *event* and *story*' (Langer in Edgar ed, 1980, p. 13). Irrespective of which broad argument is accepted, it is reasonable to conclude that events or information become *news* not through single, all-encompassing definition (Henningham 1988, pp. 165 – 170).

Gaye Tuchman argues that all news events are inherently stories and should be treated as such (Tuchman 1978, p. 93). This allows the critical analysis of output within a code of practice and lessens the impact of the philosophical problem of where subjectivity begins and ends (Tuchman 1971, p. 677). John Herbert in *Journalism in the Digital Age* adds that the recounting of the story which is classed as news 'does not imply some godlike neutrality or detachment from those basic Ö beliefs on which our society is founded' (Herbert 2000, p. 64).

Thus no matter how ethical the journalist or editor attempts to be, there is still the necessity to be part of 'the establishment' being reported if the journalist's continued access to information is to be guaranteed. Adherence to this social culture does not usually result in wholesale tampering with 'the truth', but it does mean that the reporter or editors are not entirely neutral. In this context, it is not what is said but how it is said within the context of remaining part of a specific journalistic social grouping such as police rounds, a parliamentary gallery, court reportage or business lobby (MacCallum, 2002).

What is considered *news* at a regional, state or national level highlights the fact that news values alter with locality. David Altheide argues in *Creating Reality: How TV News Distorts Events* that what is newsworthy at these three levels must be different. In each case, the journalist is 'wrenching an event from its context in order to tell a story about it' (Altheide 1976, p. 137).

Thus, an event may be classed as *news* in one place because it is proximate or relevant in some way to the primary audience, while the same event is ignored or receives reduced coverage elsewhere because it is considered too parochial or of limited interest (Galtung & Ruge in Tunstall ed. 1974, p. 259ff). In many cases, the journalist/editor must rely on experience and knowledge of the local market when deciding what to report, how to report an event and what the audience needs to know (Henningham 1988, p. 129).

Just as it is difficult to provide an all-encompassing single definition of *news* and the way events are ranked for *news value*, it is equally hard to quantify what is meant by 'the public interest' and 'privacy' when it comes to publishing material that is normally held as

confidential by a person or group. No matter how prominent or unknown a person may be, there are areas in a person's life which are secret and, in the normal course of events, should remain so.

Mark Armstrong and associates in *Media Law in Australia* make three important points about privacy and the public interest. The first is that 'information ceases to be confidential once it 'enters the public domain'. Second people may release confidential information about themselves or it can be released by a third party action such as a court case. Third, 'confidential information may be revealed where disclosure is justified in the public interest' [but] the extent of public interest justification is not very clear' (Armstrong, Blakeney and Watterson 1997, pp. 191 – 194).

Long-time political journalist, Mungo MacCallum counter argues that the issue is clear cut.

[If] activities that would normally be considered private impinge on a politician's public role, they cease to be off limits; they become part of the legitimate public interest (MacCallum *The Age*, 6 July 2002).

The Victorian Privacy Commissioner, Paul Chadwick, continues this line of argument when he notes that people who enter public life by election, appointment, achievement, chance, right of birth or association 'trade privacy for power' (Chadwick 2003, pp. 12 -15).

All of these considerations are pivotal to the way the regional newspaper reported the stalking trial. The plaintiff had a substantial career in community life. Her election to Council and later as Mayor was the culmination of her long involvement with the community and gained added prominence as she was the first female Mayor of the Maroochy Shire. Through her election she had moved from a community service to a political focus, if we allow that 'politics' is anything about which there is potential for disagreement or argument. In short, all the Mayor's actions had the potential to be newsworthy and of high news value on the Sunshine Coast where the Maroochy Shire is situated.

## Case Study: Background

Alison Grosse (also known as Alison Kerr-Jones) was first elected to the Maroochy Shire Council in 1996 and won the Mayoralty in 2000. Prior to her civic career, she had spent about thirty years in various business and community activities on the Sunshine Coast and was awarded the Medal of the Order of Australia in 1994 for her services to the Sunshine Coast Community.

Grosse's most prominent business/community activity from 1983 to 2000 was initially as a foundation director and later Chairperson of Sunshine Coast Regional Group Apprentices (SCRGAL). Robert Purvis, who was later to become the defendant in the civil stalking complaint instituted by Grosse in the Queensland District Court, was the company's manager for the entire period that Grosse was involved with SCRGAL. (People on the Sunshine Coast refer to the company as 'Scraggle').

Queensland District Court Senior Judge Skoien recognised that Alison Grosse had a high profile within the Sunshine Coast Community when he wrote in the preamble to his Judgment in the stalking trial that:

On the evidence given in this trial I am satisfied that the establishment of the TAFE, the University [of the Sunshine Coast] and of SCRGAL was very much because of the efforts of the plaintiff, in recognition of which she was awarded the Medal of the Order of Australia in 1994 (Skoien 2003, QDC 151, paragraph 6).

Grosse's prominent position in the community meant that she had 'become a focus of attention for both newsmen [sic] and their audiences' as there is 'a public interest in the activities of well-known individuals' (Roscho 1975, p. 16). It could also be argued that Grosse, by progressing her civic career from a councillor to Mayor, had also 'traded privacy for power' (Chadwick 2003, pp. 12 – 15).

Prominence, as pursued by Grosse over a long period and recognised by the awarding of the Medal of the Order of Australia (OAM), also meant that she became a 'routine source of news' and was also potentially liable to be found in a position in which 'low-visibility

situations' could become news if her name were attached to them (Roscho 1975, p. 19). This is exactly what occurred immediately prior to the publicity surrounding the stalking trial. The events are cogent to this case study.

In 1999, a reporter employed by the *Sunshine Coast Daily* noted in the Brisbane Court Lists that Mrs Grosse, who was then known as Alison Kerr-Jones, was being sued by the trustee for the estate of her bankrupt second husband John Jones. The amount claimed was \$95,000 considered to have been paid to her without justification. This action was later dismissed (O'Sullivan 2003, taped interview with Peter Owen, Editor-in Chief, *Sunshine Coast Daily* and *Worrell vs Kerr-Jones Federal Magistrates Court of Australia*, 21, 18 February 2002).

There were also allegations from about 1999 that Sunshine Coast Regional Group Apprentices Ltd (SCRGAL) had not been administered for a number of years according to its Articles of Association. The *Sunshine Coast Daily* had by this stage accumulated a sizeable portfolio of evidence about these matters, but decided not to publish at the time because of potential defamation (O'Sullivan 2003, interview with Peter Owen).

On 1 December 2001 in the first of a series of articles, details were published of a failed business venture involving SCRGAL, Mayor Grosse and company manager Purvis. This business venture caused multiple bankruptcies, including that of Grosse's second husband, John Jones (*Sunshine Coast Daily* 1 December 2001, pages 1, 6 and 7). The day before these allegations were published Mayor Grosse claimed that she had been stalked for six years by Purvis and collapsed on the floor of the television studio while telling the story (*Sunshine Coast Daily* 30 November 2001, page 1 and 4). The stalking matter came to trial in the Queensland District Court in February 2003.

Concurrent with these published allegations of improper business dealings, questions again arose about the fitness of Mayor Grosse to head the multi-million dollar operations of the Maroochy Shire Council. Less than six months after her election in August 2000, there were calls for Mayor Kerr-Jones/Grosse's resignation following an incident involving a 'runaway' car near the Nambour Cemetery. This incident was reported in both the regional and state press after the



Mayor claimed that she was spending 'five minutes [there] until her new council-supplied car was ready after servicing' with her future husband (*Courier Mail* 12 August 2000, p 13).

The initial article in the *Sunshine Coast Daily* on 1 December 2001 was followed on 3 December 2001 with a front page story continued on page two and headlined 'Mayor Wage Shock: SCRGAL paid Grosse \$190,000 against company rules'. On 5 December 2001, the front page headline read 'Self-appointed Board moves to take control of Training Company'. The implications in all of these articles were that the Mayor was involved in highly questionable business dealings, notwithstanding the stalking allegations she made a week earlier. These allegations were denied, opportunities to provide refuting evidence were not taken up and the allegations have not been challenged legally (O'Sullivan 2003, interview with Peter Owen).

Grosse's credibility as Mayor was further weakened by her written statement to the Royal Commission into The Building Industry (The Cole Royal Commission) on 30 July 2002. The Royal Commission was making enquiries into Grosse's purchase of a property owned by Sunshine Coast Regional Group Apprentices Ltd (SCRGAL) while she was still a Director and Chairperson. Mayor Grosse told the Royal Commission that she had 'the reading age of an eight-year old and I suffer from dyslexia', adding that she relied 'on other people to interpret and provide advice to me in relation to my legal rights and responsibilities' (Cole Royal Commission 2003, document 052.0900.0848.0004).

As if this statement were not damaging enough, Mayor Grosse told the Cole Royal Commission in oral evidence on 14 October 2002 that both her husband (Rene Grosse) and herself were 'a little illiterate' and that she was 'not a dollars and cents person – I'm useless in that area' (Cole Royal Commission: official transcript 14 October 2002, p. 95). These comments received wide regional and State publicity (see *The Courier Mail* 19 October 2002, p. 19).

With this background, the *Sunshine Coast Daily* considered there was justification in linking the allegations about malfeasance in the governance of Sunshine Coast Regional Group Apprentices, Grosse's

ability to be effective as Mayor of the Maroochy Shire and the evidence presented in the stalking trial in February 2003.

Had she been a low profile, ordinary person in the street, absolutely we would not have given it that coverage. The fact that we gave it the coverage that we did was that she was the Mayor (O'Sullivan 2003, verbatim transcript of an interview with Peter Owen, Editor-in-Chief *Sunshine Coast Daily*).

### **Case Study: coverage of the stalking trial Grosse vs Purvis**

The *Sunshine Coast Daily* gave extensive coverage to the evidence presented by both parties. During the eleven sitting days, the newspaper and its weekend editions devoted an aggregate of about 33 tabloid pages to the story. This coverage included eight front page stories, large photographs of the main protagonists, a gallery of smaller pictures of those people who had given evidence or were expected to be called and photographs of people who had been mentioned in evidence.

Throughout the coverage, sensationalist headlines were used to report the evidence being presented. These headlines included: 'Devil slept in the spare bedroom' (6 February 2003); 'Mayor falls sobbing on the floor' (7 February 2003); and 'Mayor took drugs for depression' (*Sunshine Coast Sunday* 16 February 2003). There was also ample use of colour backgrounds and highlighted quotations. With a few exceptions, the State and national press reported the story on the inside pages.

In the recorded interview on the trial's coverage with the author, the Editor-in-Chief of the *Sunshine Coast Daily*, Mr Peter Owen, pointed out that although the story may have appeared to resemble the twisted plot of the former television soap opera *Dallas*, the majority of the reportage text came directly from the transcripts.

Peter Owen:       What we did was report the evidence that was given in the case and 90% of what was said was evidence that was given by Alison herself.

O'Sullivan: What about the moral side? How did you get around that situation of people saying that the *Sunshine Coast Daily* is really pointing fingers? Does it matter that somebody sleeps with somebody?

Peter Owen: Before I answer that, if I could compare *The Courier Mail* coverage with our coverage. *The Courier Mail* purports (sic) to be a state-wide newspaper and it was interested in it (the general story) because it was a good story. Our coverage was based on the fact that this was our Mayor and that's the difference. That's why we gave it so much.

Alison said at the time if she was a man it wouldn't have been important. That's nonsense! Had she been a low-profile, ordinary person in the street, absolutely we would not have given it (the trial) that coverage. The fact that we gave it the coverage that we did was because she was the Mayor. She is our Peter Beattie or our John Howard and if those kinds of people had been involved in anything like this, imagine what *The Courier Mail* or *The Australian* would have done. Same as we did.

Peter Owen: As far as the moral side is concerned, as an editor I don't think that I can let those personal kind of things intrude too much into what I do. 'If I started thinking like that, I would be censoring the news to an unacceptable level.' This was probably the most interesting story that's happened on the Sunshine Coast in twenty years (O'Sullivan 2003, recorded interview transcript).

Mr Owen also admitted during the recorded interview that both he and many of the newspaper's staff were friends with Mayor Grosse, her daughter who was a promotions manager for a local company at the time of the trial and Robert Purvis when he was CEO of Sunshine Coast Regional Group Apprentices Ltd. Mr Owen was adamant that these friendships were considered but did not play a part in the coverage of the evidence presented in the stalking trial.

Peter Owen: There were members of our staff — and still are — who were very good friends of Alison — not so many who were friends of Rob Purvis – but we've got people on our staff, including myself, who have been very close to Alison over a good number of years. Her second husband, John Jones, used to be the manager of this newspaper and Alison's daughter, Paula, is very close to this newspaper. She did her work experience training here.

It was personally very concerning to them and to us that these things were happening' but we were talking before about being objective and if we're going to do our job as journalists we have to put that to one side. And we have to do what we think is right as far as the coverage is concerned and as far as our ethics as journalists are concerned. And I think we did that (O'Sullivan 2003, interview transcript).

These issues of irregularities in the governance and business dealings of Mayor Grosse and Sunshine Coast Regional Group Apprentices Ltd and links with the stalking trial were tenuous. At the commencement of the trial, no criminal or civil charges concerning SCRGAL's governance or business dealings had been mooted. The company had been audited by the Queensland Government which provided funding for its operation and the company had complied with State Government directives concerning the make up of the company's board. The findings of the Cole Royal Commission which examined insider business dealings of Mayor Grosse while Chairperson of Sunshine Coast Regional Group Apprentices Ltd were not presented to Federal Parliament until the end of March 2003. By this time the trial's major evidence had been presented and final submissions from the parties' lawyers were awaited.

O'Sullivan: We're really melding two stories together?

Peter Owen: We have to. One was a development of the other and if you want to be really really suspicious you could suggest that the stalking trial and all the things that were brought up in that — I've had this put to

me — was as a screen to cover up some of the things that were going on in SCRGAL.

O'Sullivan: The lurid side of it (the trial) I think we can take as read. There's nothing much you can do about evidence when it's being said by the major players in an open court.

Peter Owen: I don't want to sound corny about it. I was delighted as a newspaper editor because it was such interesting copy.

O'Sullivan: Some of it was hilariously funny (referring to one incident when Mayor Grosse told the court that she used to leave a hot dinner for Purvis on a fence post outside her house: *Sunshine Coast Daily* 5 February, 2003).

Peter Owen: It was 'it was.' People today are still talking about it. How can a Mayor of a place like the Sunshine Coast – Maroochy one of the fastest-growing shires and most respected Shire in all of the country – behave in such a bizarre fashion? And how could she stand up in open court and say these things about her life?

Let's be absolutely clear about this. The stuff that we ran wasn't allegations that were being made by second and third parties – unfounded allegations. It was evidence that Alison was giving herself about what she did in her life. All the page one stuff was Alison's evidence (O'Sullivan 2003. interview transcript).

Towards the end of the stalking trial, the *Sunshine Coast Daily* appeared to join the case when it entered the debate instigated by a Maroochy Shire Councillor that Mayor Grosse should be given leave without pay to clear up her legal affairs which had the potential to reflect on her performance as a civic leader.

Queensland District Senior Judge Skoien rebuked the newspaper and its editor from the bench. Judge Skoien was particularly scathing about a headline that appeared in the *Sunshine Coast Daily* on 11 February 2003 which stated 'Mayor loses credibility'. The judge saw the newspaper's actions as interference in the court's key role of determining 'the credibility and character of Mrs Grosse' (*Sunshine Coast Daily* 12 February 2003, page 6).

Peter Owen: One of the councillors [name not recalled during the interview] moved that Alison be given three months leave without pay to sort out legal matters. Now there were a lot of people in the community who were offended at such a suggestion. And we asked our readers what they thought. Should Alison be given leave with full pay to sort out these matters? And we were inundated with faxes and phone calls and letters and emails – something like 300 – one of which supported Alison. The other 299 said: 'Definitely not'. And we reported that.

Now the judge mistakenly, I believe, took that as being a popularity poll on whether she was guilty or whether the court case was justified or not. And that's what prompted him to say [the report] was a most irresponsible piece of journalism. I think that he was absolutely wrong to say – which I thought was strange – that had this been a jury trial we would have been in contempt. Of course, of course we would.

But it wasn't a jury trial. We knew it wasn't a jury trial. He knew it wasn't a jury trial and if it was a jury trial he wouldn't have been conducting his court in the way he was.

I think that the things he said were quite wrong and quite out-of-place and I felt that it was important that we said so or that I, as the editor, said so (O'Sullivan 2003, interview transcript).

Throughout the interview, Mr Owen maintained that the reportage of the stalking trial was objective and within the code of ethics demanded of journalists. He also argued that the *Sunshine Coast Daily* once it became aware of allegations of malfeasance within Sunshine Coast Group Training Ltd the newspaper had a social responsibility to publish the evidence it had collected from about 1999. It was noted earlier that the newspaper did not commence publication of the material until December 2001 because of the possibility of defamation action. When a local businessman, whose company was an inaugural founder of Sunshine Coast Group Training Ltd, complained about the company's governance, the whole story could start to be told.

Peter Owen: I thought that we had a social responsibility to break this story almost from the beginning.

O'Sullivan: I suppose that you had another thought, too. It would have gone through your mind at some stage. That is that when you run a story like that, the major players are the ones who are going to be pinned against the wall so to speak, but you've got lots of innocent people involved.

Peter Owen: That was a real issue and that's the first time that anyone has brought that up. There's never been anything but admiration and compliments for what they (the staff) have done and we know that by targeting SCRGAL they were the secondary victims of it. As much as we could, we were careful to say that the stories (from December 2001 onwards) were being critical of the Board and the Chairman and the Directors of SCRGAL not of the staff (O'Sullivan 2003, interview transcript).

Mr Owen also justified the space devoted to the sensational evidence published in the *Sunshine Coast Daily* as responsible journalism from two aspects. The story had great significance to the local audience, because the plaintiff in the stalking trial was the local Mayor and there was also the aspect of the past governance of a training company that was responsible for the futures of a large number of apprentices.

There was also the underlying question whether or not the actions of the major players in the stalking trial as it progressed was the behaviour expected of people in public office.

Peter Owen: The extent to which the story travelled was quite remarkable. I was getting emails from people in Canada who read about it in their newspapers (and from) England. It was on the front page of the West Australian papers. It went everywhere because it was such an unusual story. It has all the ingredients of a soap opera. The fact that this was the Mayor of a significant shire that was the thing that made it such an interesting story as far as the trial is concerned.

Sadly to my mind, few people outside the Sunshine Coast, if any, have taken the SCRGAL component of the story as being a significant story and it is (O'Sullivan 2003, interview transcript).

## **Conclusion**

The regional newspaper's reporting of the stalking trial in 2003 instigated as a civil action by the Mayor of the Maroochy Shire Council, Alison Grosse, is a definite example of participatory journalism. Although the newspaper followed the broad precepts of the AJA Code of Ethics and did not breach any legal parameters, a blanket justification for the content of the entire participatory coverage is not possible.

Community concerns had already been voiced about the suitability of Mayor Grosse for the high office she held. These concerns began with the 'runaway' car incident at the Nambour Cemetery in August 2000, less than six months after her election as Mayor. Substantial allegations about the governance and business dealings of Sunshine Coast Regional Group Apprentices Ltd under her Chairmanship which were published from early December 2001 further weakened her credibility.



There were also Mayor Grosse's admissions to the Cole Royal Commission in 2002 that she was dependent on others to explain documents because she only has a reading age of eight, suffered from dyslexia and had limited understanding of financial transactions. All this evidence was in the public domain long before the stalking trial began and had been widely publicised.

The regional newspaper considered these events over a three year period, the results of their largely unpublished investigative journalism since 1999 and the evidence in the stalking trial as one large story. *The Courier Mail* as early as April 2002 had already inferred that the stalking trial was part of a larger scenario. Reporting the service of the Queensland District Court documents on the defendant Purvis, *The Courier Mail* reporter on the Sunshine Coast wrote: 'Cr Grosse's legal action [comes] amid a bitter row over the management of SCRGAL, of which the Mayor is also the Chair.' (Glenis Green *The Courier Mail* 22 April 2002, p. 6).

Peter Owen, Editor-in-Chief of the *Sunshine Coast Daily* based his decision to combine all the evidence of the Mayor's unsuitability for high office as the whole matter was a 'dynamite story' that should be told in the public interest (O'Sullivan 2003, interview with Peter Owen). Mr Owen's editorial decision must be allowed to stand as a legitimate editorial decision. It is the way that the *Sunshine Coast Daily* went about the reportage that must be examined when it comes to deciding whether objectivity encapsulated in a code of ethical practice existed.

First there is no reason to doubt that the people involved in covering the story made 'a sophisticated attempt' to distance themselves from a subjective interpretation of events. Peter Owen was firm on this when he admitted that 'we have to do what we think is right as far as the coverage is concerned and as far as our ethics as journalists are concerned' (O'Sullivan 2003, interview with Peter Owen). From this strong statement, we can assume with a high degree of certainty that the code of practice (The AJA Code of Ethics) was followed.

Second there is little doubt that the stalking trial was 'news', whether it is as psychologist William James argues 'an aspect that has obtruded itself' or an item of 'timely information' affecting the audience

(Roscho 1975, p. 15 and p. 18). The coverage provided by the *Sunshine Coast Daily* was more extensive than the State or national press and featured the personalities in greater depth, because the people involved were known to the local audience. The editor admitted that the coverage would have been different if the people involved were unknown. These are legitimate 'news value' considerations.

Third, a potential charge of sensationalist reporting of the actual stalking trial must be considered. The charge can largely be dismissed as the evidence itself was salacious and largely reported in context and verbatim. The sheer volume of the material and its interconnectedness would have made decisions of what to include or omit a difficult editorial matter (O'Sullivan 2003, interview with Peter Owen).

It is the tenuous coupling of the stalking trial story with past events involving the Mayor in her civic and business roles that brings the issue of absolute fairness in the reporting process into sharp focus. The trial was not about her suitability for high office or whether the Mayor's business life was above reproach. It was a simple question of whether or not Robert Purvis had stalked Alison Grosse (Kerr-Jones) over a long period.

Queensland District Court Judge Skoein commented that matters which reflected on the conduct of Alison Grosse as the Maroochy Shire Mayor were 'peripheral' to the stalking trial:

I regarded the SCRGAL financial evidence as peripheral. I am sure that it only scratched the surface of a very complex matter (Skoein 2003, QDC 151 at paragraph 161).

During the trial, Judge Skoein issued a scathing rebuke to the newspaper when it conducted over two days what he considered was an opinion poll on Mayor Grosse's civic performance and credibility. The first part of what the Judge considered to be an opinion poll canvassed Maroochy Shire Councillors' opinions and on the second day readers' comments were published.

A close reading of the printed exchanges between Judge Skoien and Peter Owen of the *Sunshine Coast Daily* indicates that they were both

correct in their opinion. It was the context of the so-called 'poll' that set them apart. Judge Skoien regarded publicity about Mayor Grosse's civic suitability as interference in the court's key role of determining 'the credibility and character of Mrs Grosse'. Editor-in-Chief, Peter Owen, distanced the opinion pieces from the stalking case:

Our coverage was of publication reaction to a decision by [Mayor Grosse's] deputy mayor to ask her to stand aside until the stalking trial and matters before the Cole Royal Commission into the Building Industry were resolved. [It is] legitimate coverage of community opinion on the Mayor's performance: an on-going issue that was at question long before this case was mooted (*Sunshine Coast Daily* 16 February 2003, p. 6).

Subjectivity, combined with community spirit in a regional media outlet and appallingly bad timing appears to have temporarily gained the ascendancy. Judge Skoien was correct in protecting what he saw as the sanctity of his court. Peter Owen was covering a separate story about someone collecting taxpayer wages but apparently not doing what she was paid to do. In Peter Owen's defence, it must be admitted that he could not ignore the story about publicly voiced anger over the wages issue and neither could he ignore what was happening at the stalking trial. To avoid a charge of media censorship both had to run concurrently. It is the way they were run that is at issue here.

The story about the work output expected of a high-level civic person who was paid from the public purse was a separate issue to the stalking trial. The trial evidence had already brought before the public some actions by the Mayor which could be seen as 'unusual' in any person. Judge Skoien later mentioned in his Judgment 'the roast on the post' incidents as indicative of this bizarre behaviour (Skoien 2003, QDC 151 at paragraph 406). However, when the trial evidence was apparently linked to civic duty, the coverage moved from fact to speculation. Was it the bizarre behaviour of the Mayor as evidenced in the stalking trial that was hindering her civic performance or simply that the Mayor was not available at the time to do her duty?

A fourth element in the case study is that of privacy. The regional newspaper's coverage of the stalking trial according to the editor was 90% based on what was actually said in court (O'Sullivan 2003,

interview with Peter Owen). Since there is no uniform right to privacy in Australia and, by voluntarily bringing the stalking allegation into open court Mayor Grosse had traded her right to privacy about that facet of her life.

Finally, it may be argued that some of the photographs published during the stalking trial gave the impression that Mayor Grosse was attention-seeking. Again, we return to the bizarre behaviour. For example, it is rare for a person giving evidence in a trial to arrive at court wearing her wedding dress. Judge Skoien commented on Mayor Grosse's behaviour and dress during the trial by quoting a psychiatrist's report that referred to 'the need to be the centre of attention and a tendency to self-dramatization and theatricality' (Skoien 2003, QDC at paragraph 153). The newspaper was the public witness of the way people arrived at court and published what it saw. It could be argued from another aspect that if Mayor Grosse did not want to be 'the centre of attention', she could have arranged to enter the court precincts in a less obvious way

The coverage of the stalking trial as already noted was participatory journalism in that a number of stories concerning the Mayor were linked together, albeit tenuously. Overall, the coverage was responsible, fair, demonstrated independence and as far as possible respected the privacy of individuals apart from the areas in which that privacy had been voluntarily surrendered.

Reporting questions about the Mayor's civic responsibility introduced speculation towards the end of the trial. The extent of the coverage in the regional daily was justified. A purist could argue that some of the headlines gave the coverage a sensationalist slant. However, what does an editor do when many of the headlines themselves were spoken in court by the plaintiff? It is a matter where fact lies and censorship begins.

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