

Paper by Quentin Dempster to Corruption Prevention Network conference  
*"Indecent Exposures – the Media's Corruption Role"*  
Cockle Bay, Darling Harbour 16 August 2001

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It is painfully obvious, given our recent history, that the media of Australia and around the world has a vital role to play in exposing corrupt practices which can undermine democracy, justice and legitimate international and domestic economic activity and degrade or destroy the environment. I have already tabled at this seminar a recent paper I delivered to the 15th World Conference of the International Association for Civilian Oversight of Law Enforcement. It covered the Australian media's role in precipitating two of this country's more effective royal commissions into police and associated corruption - the Fitzgerald inquiry in Queensland in the 1980s and the Wood Royal Commission in New South Wales in the 1990s. I understand this paper is to be posted on the Corruption Prevention Network's website.

At the outset I want to say that the media can be deeply superficial, ignorant, sensationalist, easily diverted and manipulated, sometimes cowardly, most times pursuing its commercial imperatives of circulation and ratings ahead of the more worthy and valuable pursuit of the public interest. Sometimes the media redeems itself with a determined exposure of corruption or wrong doing from which our democratic system greatly benefits. But these occasions seem to be fewer as a new layer of pressures are applied to journalists and the media particularly in the area of corporate malfeasance.

We are now living in the age of the spin doctor.

The public relations industry in our country is booming. Someone guesstimated the other day that there must be about 10 spin doctors .. public relations practitioners. . to every print and electronic media journalist. This sounds about right given the propensity of most big, small or medium sized firms, lobby groups, corporations and government agencies and departments to directly employ or contract for public relations services. Don't get me wrong. I'm not opposed to the public relations industry. Were I to be sacked from the ABC I might have to seek work within it to keep my children from starving or running out of Nintendo games. But I fear there is a major imbalance in journalism nowadays because most journalists work under appalling deadline and daily productivity work pressures. In the private sector print and broadcast media journalists seem to be considered by their corporate boards to be a barely justified expense. Our great newspapers have become vehicles for multiple sections which fall on to the floor when you unwrap the plastic. These are supplements solely to increase advertising revenue and are surrounded by puff editorial content.

In the ABC we've been screwed into the ground by defunding over the last 15 years thanks to Hawke, Keating and Howard, who've besmirched the prestige of their high offices by cuddling up to the big media tycoons .. the media market and policy gatekeepers Murdoch and Packer. . . while allowing the national broadcaster to be marginalised, left to wither on the vine. The ABC used to be one of this country's biggest employers of journalists. After the recent Shier-initiated hostilities on news and current affairs I think we've been reduced to well less than 600 journalists around the country. Creative opportunities, training places and career development have evaporated. Journalism courses are no longer top drawcards at universities. Communications courses - public relations - are. They are packed with students because there is more work available in commerce, government and industry than there are journalist places in the media.

As has been noted by trained observers and from public relations practitioners themselves, PR is influencing the news as never before. Stunts and staged events, timed announcements and interventions are all the go. And if you can't get your own manipulations or agenda-setting initiatives to catch hold, there's always intimidation. Press gallery journalists in Canberra I'm told are routinely 'monstered' or intimidated in a new version of aggressive spin urged on by our political masters. I've suffered from this sort of intimidation by some spin muggers over the years: shouting obscenities over the telephone, claiming bias or imbalance and then not making their 'clients' available for interview, writing letters of complaint to my superiors. Stories of legitimate public interest can be denied 'oxygen' by a denial of access to officials or corporate executives who should be making themselves available to be held to account.

Good spin control is all in the timing, of course. Why entertain an interview when events are not running in the client's favour. Resort to the weasel form of words in a faxed statement rather than engage in an interview to defend your sometimes indefensible position.

Whatever happened to the concept of open government, you might ask. Whatever happened to the concept of good corporate citizenship? Those believing that the world is becoming a better place are dreaming. It is becoming a tougher, more cynical and litigious place as vested political and corporate interests seek to control the news or dominate any debate about where the public interest may lie. This is not the age of dealing in good faith with the public through the media.

Under these circumstances, I have to say, corruption will prosper. The forces of corruption will see that the media may be diverted or at least neutralised . . . if they were showing any interest in corrupt activity in the first place. In many respects the successes of media exposure in the 1980s and 1990s has given most states of Australia a layer of official accountability bodies - like the Independent Commission Against Corruption in New South Wales, the Police Integrity Commission, and a better-resourced Ombudsman's office. There is strong public support for the independent role of auditors general. As well there are whistleblower protection or public interest disclosure laws in many states but the jury is still out on their effectiveness. Significantly, for an institution of its size and budget, the Commonwealth Government still does not have the benefit of whistleblower or public interest disclosure legislation. This is a pathetic deficiency and cynical omission when the rest of the world has moved in this direction. Public consciousness about corruption has been raised among those who closely followed the royal commissions and the exposures of the ICAC. By no means does this mean that corruption has been defeated. One doubts if it will ever be contained, given the virulent and subversive power of the drug trade in our country and the recent discussion paper issued by the National Crime Authority indicating that white collar crime and corporate corruption and money laundering are now massive and instantaneous through the electronic transfer of funds internationally.

In this age of the spin doctor, where even the corrupt have their own public relations strategies, it is imperative that the media's role and the role of the journalist be strongly supported and encouraged. The most effective way this can be achieved is through accurate information reaching the public domain. Journalists are reliant on their informants and sources to help them crack the cone of bureaucratic or political silence which sometimes surrounds corrupt activity. Sometimes courageous whistleblowers can come forward, equipped with their outrage and hopefully a bag full of photocopied documents proving the wrong doing. But I am afraid to say that the way our corporations and institutions generally treat whistleblowers, this particular method of exposure cannot always be recommended if you want to retain your mental health, your relationships, your financial security . . . and in some extreme cases .. your life.

The journalists' Code of Ethics states that where confidences from informants are accepted by the journalist, they must be respected in all circumstances. You must understand that unlike royal commissions and judicial inquiries, Australian journalists do not have coercive powers. We do not have the power to search premises, seize documents, demand on camera interviews. Were we to take the law into our own hands we would be jailed for trespass, theft and breach of privacy. We can be powerful and bring change and reform through exposure if we have accurate information about corrupt activity. Our efforts can be stymied or diverted through defamation suits, public relations strategies to denounce us for bias and malice. But if our informants or whistleblowers are prepared to publicly reveal themselves and take the personal consequences their actions may bring, sometimes the public reaction will move a government or an accountability agency to do something about the allegations raised. Editorial lawyers now need much more than a confidential tip-off whispered into the ear of a journalist. We need direct evidence, preferably corroborated, and preferably in document form. Because litigation is so risky and expensive journalists have to effectively prove the allegations they are publishing. This is a tough call.

These hurdles for the journalist are substantial. There is no legislated protection for the confidential sources of journalists in Australia. This is a major deficiency in the media's role. Protection of journalists' sources would be another very helpful measure available to citizens wishing to alert the public about criminality and corrupt practices without having to unnecessarily risk their lives or livelihoods in the process. At the moment Australian journalists are jailed by the courts for contempt when they abide by the now internationally accepted ethical rule that under no circumstances are their confidential sources to be divulged. Other countries provide this protection. Why not in Australia, particularly after these bitter and vicious years of police corruption and political denial? Protection of journalists' sources would mean that documents and information obtained from our confidential sources could not be the subject of subpoena or search warrant. As a journalist who has had his ABC office raided by the Australian Federal Police operating under a search warrant I can tell you it is frightening when the State itself moves to try to uncover your sources. I got a letter from the Commonwealth Director of Public Prosecutions saying there was sufficient evidence to prosecute me for having revealed leaked Australian Taxation Office material in 1995 naming major Australian corporations making active use of tax havens and other mechanisms to avoid Australian tax. The prosecutor decided that on balance he would not prosecute but instead issued an official warning to me. While grateful that he did not proceed against me and noting the warning, I nevertheless tried to hit back in the following terms:

*The search of my office by the Australian Federal Police last year was a most intimidatory event. I was particularly concerned if the identity of my source was discovered as I believe the source had a public interest motive in alerting the public to the potential loss of hundreds of millions of dollars in tax revenue through the use of tax havens...*

*It is the function of journalism in a democracy to strive to tell the public what is really going on. To be intimidated by official searches and lectured by prosecutors are most censorious acts. As someone who has been sued by commissioners of police and politicians later proved in the courts to have been corrupt, I must say the official intimidation in this instance can only add to the scepticism already apparent about the administration of tax in Australia.*

I am currently watching the Petroulias case on ATO private binding rulings with intense interest.

I realise and accept that government departments and agencies, local government, entire industries, professional groups, corporations big and small, want to retain public confidence in their activities and the basic decency of their corporate motives. This will always put journalism and its proper

role to tell the public what is really going on in direct conflict with the spin doctors and their clients.

What can we do to expose the truth of a corrupt situation, reform, change and move on? Well for a start, we can be straight with each other.

Over the last six years while I have been more actively doing exposure work for the ABC, I have adopted the tactic of faxing chief executives, public or private sector, as soon as I can with the substance of allegations my informants are making against them and seeking on camera interviews or briefings from them. I try to be upfront. Some could say this is tactically naive as you reveal your hand and information control and spin doctor techniques are brought into immediate play. Of course they are brought into play. But I know that if the information I have is strong and probative no amount of obfuscation, weasel words, bias or imbalance charges, diversions or other manoeuvres will alter the truth. The target of the allegations will have to wear it. Sometimes they wear it with a good grace. Sometimes there is bitterness, resentment, denial of future access on less important issues, cutting from the 'loop', removal of the 'drip feed', backdoor bad mouthing and personal smear. But if you've got them by the testicles, they often see the need for the organisational health check accountability will bring. "Thank you for raising this with us," you are hoping they will say through unclenched teeth.

Ladies and gentlemen. . . we're kidding ourselves if we think we are living in honest and decent times. We are living in an era of greed and market forces. This is no Sunday school picnic. The recent OneTel and HIH collapses seem to indicate that the mentality of the 1980s has never really gone away. Regulatory failure or incompetence are obviously still with us. The 'ratting' of dead bodies at the Glebe morgue; the greyhound racing steward swapping the urine samples in the boot of his car; the commercial sale of confidential government information; party political slush funding by corporations and individuals in return for personal access to those in power. . . all indicate we remain vulnerable to corruption and corrupt attitudes. We must forever be vigilant and do what we can to ensure that our democracy is not subverted by corrupt forces. There is a responsibility on us all to be alert to the symptoms of corrupt activity and take whatever steps are necessary to expose it.

In this regard I would like everyone to show some sympathy for the journalist operating in such a hostile environment, surrounded by spin doctors who may not be there to help, pilloried by lobby group-funded so called think tanks, intimidated by lawyers ready to denounce prejudicial media reporting and then issuing non-denial denials, covered up by politicians looking for the main chance, unappreciated by corporate media boards who don't like the expense of independent journalism.

To expose corruption we need courageous and resourceful people. We need documents and corroborating evidence. In short, we know corruption occurs. To expose it ..... we need proof. Wherever you sit in the system, help the journalist to get that proof. In this age of the spin doctor, the lawyer and the corporate institutional and political lie, only the truth - and nothing but the truth - will set you free.

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