

**Bond University**

## **DOCTORAL THESIS**

### **The Private Lives of Australian Cricket Stars: a Study of Newspaper Coverage 1945-2010**

Patching, Roger

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**The private lives of Australian cricket stars:  
A study of newspaper coverage 1945 – 2010**

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**A thesis submitted in total fulfilment of the requirements of the  
Degree of Doctor of Philosophy**

**School of Communication and Creative Media  
Faculty of Society and Design  
Bond University**

**June 2014**

## **Abstract**

This thesis takes a multi-pronged theoretical and methodological approach to research the way mainstream print media in Australia has covered the private lives of five sporting personalities over the 65 years between 1945 and 2010. It examines an incident in the private lives of five famous Australian cricketers and researches the level of interest in the story at the time by newspapers in the capital cities of four states (Queensland, New South Wales, Victoria and South Australia) and the national capital (Canberra). The thesis used a theoretical framework comprising a combination of agenda setting and framing, Paul Chadwick's theory of the Taxonomy of Fame and Grounded Theory and a triangulated methodology of content analysis, qualitative research and journalism as a research method in its own right. The analysis of the five case study incidents demonstrated what the researcher characterised as 'the escalation of intrusion' by the media into the private lives of sporting celebrities since the turn of the Century. The research breaks new ground in that analysis of the various incidents led to the development of an interview format for administering to eight elite senior journalists, former journalists-turned academics and journalism ethicists, and a former Australian international cricketer who's now a media commentator. The interviewees discussed a range of issues relating to privacy and why modern newspapers devoted so much space to celebrities in general, and sporting personalities in particular. They differed in their opinions (mostly by degrees as opposed to direct opposition) on the impact of the 24/7 news cycle, the impact of the Internet and social media, and whether there should be a legal tort for serious invasions of privacy. The combination of the case study analysis and the results of the elite interviews prompted the researcher to propose an alternative, more personal ethical approach to privacy intrusion.

## **Statement of original authorship**

This thesis is submitted to Bond University in fulfilment of the requirements of the degree of Doctor of Philosophy. This thesis represents my own original work towards this research degree and contains no material which has been previously submitted for a degree of diploma at this university or any other institution, except where due acknowledgement is made.

Name: Roger Martindale Patching

Signed:

Date: June, 2014.

## Acknowledgements

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A special thank you to my former Bond colleague and graphics supremo Dr Naomi Barnes (nee Busst) who helped create the diagrammatic representation of my theoretical and methodological approach on page 152.

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# Chapter 1:

## Introduction

### ***Thesis title:***

The private lives of Australian cricket stars: A study of newspaper coverage 1945-2010.

### ***Aim and focus of the study:***

This research examines the changing interactions between sports news values, privacy ethics and law, and notions of celebrity in 20<sup>th</sup> and early 21<sup>st</sup> century Australia. It will do this by using case studies to focus on the newspaper coverage of the private lives of five leading Australian cricketers whose careers spanned a 65-year period from the mid-1940s through to 2010 and by seeking the opinions of experts in the field of journalism, journalism ethics and sports coverage. The five cricketers chosen for this research are Sir Donald Bradman (1908 - 2001), Keith Miller (1919 - 2004), Greg Chappell (1948 -), Shane Warne (1969 -) and Michael Clarke (1981 -).

### ***Context of the research:***

This thesis uses case studies of newspaper coverage of five leading cricketers from different eras of the 20<sup>th</sup> and 21<sup>st</sup> centuries as data to explain the changing interaction between news, privacy law, ethics and celebrity. It is driven by the researcher's perception that the private lives of sporting celebrities have attracted more scrutiny in contemporary times than they did in previous decades.

The issue of the invasion of 'everyday' individuals' privacy became an international scandal involving the world's leading media mogul, Australian-born, American citizen Rupert Murdoch, in mid-2011. Staff at his British Sunday tabloid, the *News of the World (NoW)*,

was shown to have hacked the phones of hundreds of celebrities – including sporting personalities – in their quest for stories. In early July 2011, *The Guardian*, which had been pursuing the phone hacking story for years, revealed that the *NoW* had hacked the phone of teenage murder victim Milly Dowler while police were still hunting for her, leading the girl's parents to believe she was still alive (2011). While the millions who regularly bought or read the *NoW* enjoyed hearing about the sexual indiscretions of their favourite actor, pop star or sporting idol, they rarely thought about how the paper (nicknamed the 'Screws') had obtained their salacious gossip, but tapping into the voice messages of a teenage murder victim repulsed many. The *NoW* was closed and the British Government instituted an Inquiry into the Culture, Practice and Ethics of the Press (Leveson, 2012).

The scandal broke during the research phase of this thesis, and the continuing fallout from it would have influenced the responses of most of those interviewed. The scandal led the Australian government to announce the Inquiry into the Media and Media Regulation which resulted in a pivotal recommendation that a statutory News Media Council be created to oversee and regulate all forms of media in Australia (Finkelstein & Ricketson, 2012, p. 8). Its findings were considered by the government along with those of the longer-running Convergence Review (Boreham, Long, & McElvogue, 2012). Of particular interest in the context of this thesis was the Federal Government's decision, at the time it announced the Finkelstein Inquiry, to examine the Australian Law Reform Commission's 2008 proposal for a tort for Serious Invasions of Privacy (*For Your Information: Australian Privacy Law and Practice*, 2008). The government's proposals for media reform were presented to the federal parliament for adoption in early 2013, but failed to gain the support of the lower house independents holding the balance of power in the hung parliament (Jolly, 2013). The government announced at the time it introduced its media reform package into the

parliament that the proposal for a tort for Serious Invasion of Privacy would be referred back to the Law Reform Commission (Merritt, 2013). Three months later the federal Attorney-General, Mark Dreyfus (2013), announced the renewed inquiry would be broadened to include 'the protection of privacy in the digital era' with a final report date of June, 2014, placing its findings beyond the scope of this thesis (Rolph, 2014).

***Sporting personalities and popularity:***

Aside from their performances 'on the field of play', sports identities live by their popularity with the public, the media's endorsement and various sponsorships. They stand to lose much if they are involved in a scandal. While in earlier times print media exposure might have been as far as a story went, contemporary mainstream mass media – newspapers, radio, television news and current affairs programs, and the plethora of news media websites – now provide multi-platform coverage. Blogs and social media sites like Facebook and Twitter also deliver ongoing commentary on the latest celebrity downfall, by professional journalists and ordinary citizens.

Australian sports followers, like fans the world over, want to know about their sporting heroes and that is part of the reason why many sporting icons find themselves continuously in the media's sights on and off the field. Nowhere was this more evident on the world stage than in the period following the American Thanksgiving Day holiday in November 2009 when the idyllic world of golfing superstar Tiger Woods began to unravel with revelation after revelation of his marital infidelity (Gillis, Intini, & Kingston, 2009). The same media interest, but perhaps not to the same extent, occurred a couple of months later in England when the private life of former, later re-instated, captain of the national soccer team, John Terry, became very public (Greenhill, 2010). Within a few weeks of the Terry sex scandal, the Australian media became fixated with the relationship between the then Vice Captain of

the national cricket team – often referred to as the ‘captain-in-waiting’ – Michael Clarke, and his model fiancée Lara Bingle, after a nude photograph of her appeared in a national gossip magazine. As their private life and break-up was played out in all sections of the nation’s media, the Bingle-Clarke saga became the biggest news story in the country for two successive weeks. In the first week (March 6 – 12, 2010) it received nearly 15,000 mentions in the Australian media, compared to about 11,600 mentions for the second biggest story of the week, the ongoing national debate about paid parental leave ("Media Monitors," 2010b). In the following week (March 13 – 19), the celebrity break-up continued to feature heavily in newspapers and on radio and television news and current affairs programs, and all their Internet sites. It was mentioned more than 12,000 times by the Australian media, in excess of 4,000 (or 50%) more mentions than the second most popular story – a cyclone bearing down on the central Queensland coast ("Media Monitors," 2010a). Newspaper coverage of the break-up is the final case study in chapter 10 of this thesis. Coverage of Shane Warne’s drug revelation on the eve of the 2003 cricket World Cup in South Africa is an example of the intense media attention that follows an indiscretion by a sporting icon in Australia. The Australian newspapers (and other mainly-Commonwealth countries where cricket is a popular sport) carried many news stories and background features and opinion / commentary pieces at the time about Warne’s career, highlighting his other controversies, such as admitting to accepting money from an illegal Indian bookmaker, and the infamous ‘phone sex’ scandal involving an English nurse that forms the case study in chapter 9. Well after he was no longer taking wickets for Australia, Warne remained in the media spotlight for his often controversial comments on cricket and his private life, even being lampooned in a stage show titled *Shane Warne: The Musical* (Haigh, 2008).

Another of the cricketing icons chosen for this research, Don Bradman, also had songs written about him, but of a much more positive and uplifting tone. They included 'Our Don Bradman' by Jack O'Hagan (1930), the tribute from country singer Troy Cassar-Daley, 'They don't Make Em' Like That Anymore' (1999), and Paul Kelly's song simply titled 'Bradman' (1997). It was only after Bradman's death in 2001 that stories questioning his character emerged in the public arena, one co-authored by Ian Chappell, an Australian cricket captain of a more modern era (Carlyon & Chappell, 2003), and brother of another of the subjects of this research, Greg Chappell. One such incident involving Bradman is examined in the first case study in chapter 6.

***Audience perceptions of media coverage:***

While newspaper and magazine editors have often justified their celebrity coverage by pointing to circulation spikes and saying they are giving the public what they want, research by the Pew Centre in the United States showed a majority of 87% of Americans believed celebrity scandals received too much coverage ("Public Blames Media for Too Much Celebrity Coverage," 2007).

At one stage it also appeared the Australian sporting public had tired of the endless reporting of the indiscretions of their sporting heroes. The annual George Munster forum in 2009 addressed the topic 'Sport, sex and journalism – what's the story?', with several senior journalists reporting readers did not support some aspects of sports-related reporting.

Sarah Ferguson (2009), who produced the ABC Four Corners current affairs program 'Code of Silence', which looked at instances of sexual indiscretions by footballers, told the forum she was amazed by the mostly negative reaction to the program's revelations. Another speaker, the then-Editor of Sydney's morning tabloid *Daily Telegraph*, Gary Linnell (2009), himself a former long-time sports reporter, said covering rugby league had become a 'crime

beat' and his readers were sick of it. As a result, the paper had introduced a 'scandal-free zone' on the paper's back page [traditionally the back page of tabloids is reserved for sports news] (Linnell, 2009). The coverage of the break-up less than a year later of the engagement of Clarke and Bingle showed it was a lesson not yet learned by mainstream media.

A strong case may be made for exposing the sexual indiscretions of politicians because they hold public office. The principal issue here rests on the question — if they cheat on their partner do they bring the same morals to their dealings in government? The public, particularly those voters in the particular politician's electorate, have a right to know how their member or candidate behaves in private where it can be seen to have a bearing on their behaviour in public life (O'Brien, 2012). But does it matter what a sports star does in the privacy of a motel room with another consenting adult? There is also an issue around what constitutes behaviour 'in public' and 'in private'. That issue is central to this research and the case studies will demonstrate how the theoretical divide between public and private becomes blurred when the mainstream media hears of a scandal involving a sporting icon.

***Ethical and regulatory context:***

Academics have argued modern media audiences are obsessed with celebrity news. What had been the province of the gossip magazines – the endless detailing of the faults of celebrities (including sporting superstars) – has spilled over into mainstream media (Schultz, 2004, p. 8). Julianne Schultz (2004, p. 7) suggested that Australians were 'addicted to celebrity'. American academic Elayne Rapping (2009) wrote of her country's 'national addiction to celebrity', noting: 'We live in a society in which celebrities have become, symbolically, our national royalty' (Rapping, 2009). The British tabloids often referred to the

Beckhams – former soccer superstar David, and his wife Victoria (a member of the former pop group, the Spice Girls) – in almost regal terms, referring to their country home as ‘Beckingham Palace’, a play on words on the London home of the English royal family, Buckingham Palace (Thomas, 2010). After Beckham’s retirement in mid-2013, one writer for London’s *Telegraph* suggested that ‘Posh and Becks’ were the ‘nearest thing to global royalty’ (Langley, 2013).

The ongoing media coverage of Warne highlights a major ethical issue for the mass media – the reporting of the private lives of celebrities. In essence, what is private and what is public? Sports stars, like Beckham and others who have retired from the sporting field, like Warne, Olympic swimmer Ian Thorpe and Australian Rules footballers Ben Cousins and Wayne Carey (and many other high profile athletes) are celebrities and attract media attention, particularly from the paparazzi, current affairs television, tabloid newspapers and gossip magazines. Much of the coverage of sporting celebrities in the news pages of the tabloid newspapers is not concerned with their sporting prowess, even though that is what qualifies them for attention as newsworthy celebrities, but rather in satisfying what they perceive as their audience’s fascination with the private lives of the rich and famous.

Speaking in another context media commentator with *The Australian* Mark Day (2004) suggested:

To all those wonderful, high-minded, starry-eyed, principled folk who hold dear to the notion that our media should be scrupulously fair, ethical, above the fray and interested only in matters of national importance, I have two unhappy words of advice: get real. It’s now a fact of life that if there’s dirt to be dug, particularly in the political arena, it will be dug. One way or another, fairly or unfairly, deliberately and with malice, or inadvertently by accident, truth will out.

Critics have long attacked what they see as the media's intrusion into the private lives of people in the news. But public figures (and their families) attract media attention when they make news – even if it is for something they would prefer was kept private.

The Code of Ethics of the Media, Entertainment and Arts Alliance (the journalists' union, the MEAA) says in clause 11 that journalists should:

Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.

However the preamble at the beginning of the Code gives journalists a potential escape clause when it says:

Respect for truth and the public's right to information are fundamental principles of journalism ("MEAA Code of Ethics," 1999).

The Code is only binding on members of the journalists' branch of the MEAA and even they can argue that 'the compulsion to intrude' is counterbalanced by the public's right to know about the non-public face of celebrities. It all means little when the media are camped outside a sports star's house for days, and follow him or her wherever they go.

While the public might be fascinated to hear about scandals involving sporting personalities, the issue is just how far does the journalist go in prying into an individual's private life? The arguments centre on the public's right to know versus the individual's right to privacy. Does the public have a *right to know*, or would they just *like to know*?

Nearly a decade ago, this researcher was commissioned by the Internet-based political forum *Online Opinion* to address the topic: Can our sporting stars be rich, famous and virtuous? What do we expect from our sportsmen and women and are they delivering it? At the beginning of that essay (Patching, 2005) put his position at the time:

The short answer is we should expect our sporting heroes to act in an honourable way because they represent their country, accept the huge pay packets and adulation that go with sporting excellence, and most importantly, because they are role models for younger generations. They carry the aspirations of a nation whenever they run out onto a sporting field – at home or abroad. They are our idols. Because of these things, they voluntarily place themselves in a special category of national hero. We expect of them the same excellence in behaviour off the field (or golf course, tennis court, or whatever) as they demonstrate on it (Patching, 2005).

The opposing view is characterised by the plea ‘I just want to be considered as a sportsperson’ and typified by the comment of 2004 Australian Football League (AFL) Brownlow medallist, and former West Coast Eagle (now playing for the Melbourne-based Carlton club), Chris Judd, when he said he did not want to be considered a role model, but rather he wanted to be known as a ‘good footballer – nothing more and nothing less’ (cited in M. Duffield, 2005). As *The Australian’s* sports columnist Patrick Smith noted at the time (2005), the problem with Judd’s protest is that he cannot avoid it:

Because he plays football like very few other people he is loved and admired. Idolised. Everything he does has the potential to influence people. He has no say in it. People look up to their sporting heroes (P. Smith, 2005)

Smith’s closing comment summarised the case:

Sports folk have no option but to be role models. Their choice is whether they are good ones or bad ones (2005).

Waller and Oakham (2009) have suggested that Australian journalists are vulnerable when it comes to covering sporting celebrities and complicit in framing sporting heroes ‘as “bad

boys” who have “fallen from grace” (2009, p. 72). They discussed coverage of the post-playing-days off-field behaviour of former AFL great Wayne Carey in terms of the ‘dramatic juxtaposition between the superhuman feats on the sports field and the all-too-human frailties on display off the field’ (Waller & Oakham, 2009, p. 72). They argued that the media’s ‘love affairs with celebrity and Australian sporting masculinity combine to blind it to its ethical responsibilities to Carey, others involved in the story, and the public’ (Waller & Oakham, 2009, p. 73).

A senior journalist with *The Australian*, Cameron Stewart (2008), could have been talking about any sporting superstar, current or retired, when he sought to explain Carey’s ‘fall from grace’ in early 2008:

As a footballer, Wayne Carey played as if the normal rules did not apply to him. He strutted the field as his nickname, The King, suggested, soaring over lesser men and stamping himself as the dominant AFL player of the 1990s. But as an ex-footballer, Carey continued to live as if the normal rules did not apply to him (C. Stewart, 2008).

While Australia does not have privacy tort, a tabloid investigation of a sporting identity in the United Kingdom in 2008 challenged media freedom there. It centred on the now-defunct *News of the World*’s claim that world motor sport boss Max Mosley indulged in a ‘sick Nazi orgy’ (“Mosley's win 'a threat of press freedom',” 2008). Mosley was awarded about £60,000 damages in the British High Court for breach of his privacy, which media lawyers warned at the time would have the effect of introducing a de facto privacy law in Britain. Editors joined lawyers in saying the decision signalled the end of newspaper investigations into the private lives of public figures:

The ruling will certainly give Britain's notorious tabloids pause for thought before publishing the sort of juicy kiss-and-tell tales about celebrities that have become their bread and butter ("Mosley's win 'a threat of press freedom'," 2008).

Mosely took his case to the European Court of Human Rights in early 2011 arguing that newspapers and other publishers should be required to warn individuals before writing about their private lives, giving them an opportunity to seek court orders preventing breaches of privacy, rather than having to make do with compensation after the damage had been done (Rozenberg, 2011). He lost the case (Sweeney, 2011).

At the time of submitting this thesis, the British government and the print media had not reached agreement on what form of press regulation would be introduced in the wake of the recommendations from the Inquiry into the Culture, Practice and Ethics of the Press (Leveson, 2012), instigated following the *News of the World* scandal.

***Historical context:***

While most people would be aware of the treatment that celebrities – sporting icons included – have received in the mass media in contemporary society, newspaper treatment of historical figures like Bradman is not as readily available. What did the public in the 1940s know about the private life of arguably Australia's most famous sportsman? Equally, what did the media in the 1950s tell the public about his flamboyant compatriot, the wartime fighter-pilot and cricketing all-rounder Keith Miller?

Major personalities from different eras of the dominant Australian summer sport, cricket, were chosen as examples of media coverage of sporting personalities in general. Sir Donald Bradman, the only Australian cricketer to be knighted for his services to the game, is the benchmark against whom all other batsmen are measured across the cricketing world and Warne is – as a popular song at the turn of the 21<sup>st</sup> century noted – 'just the best we've ever

seen' (Noll, 2004). Miller was a compatriot of the very private Bradman and a much more outgoing character both on and off the cricket pitch. Greg Chappell was included in the research because of a ground-breaking 1988 defamation case involving the former Australian captain of the mid-1970s. The current Australian captain, Michael Clarke, was included after he became the centre of media interest in early 2010. All five cricketers were major sporting celebrities in their years as players, and in the case of all except the only current player in the group, Clarke, that celebrity status continued into their retirement. They were role models who had to cope with the positives and negatives of being famous. Clarke continues to have to cope with his exalted position as captain of the national team. The public is interested in what they do, on and off the sporting field, and all have had to endure, to varying degrees of intensity, invasions of their privacy.

The literature review explains how previous scholars have examined each of the four phenomena mentioned above – news values, ethics, law and celebrity – in isolation or in dual combinations, but none have worked across all four and applied them to case studies to demonstrate the longitudinal shifts in the values informing media coverage of sporting celebrities over a 65-year timespan.

***Research questions:***

The study aims to answer the following research questions:

**Research Question 1:** What differences are there between newspaper coverage of the private lives of cricket stars in Australian newspapers over selected decades from 1945-2010?

**Research Question 2:** What might explain any differences in such newspaper coverage?

**Research question 3:** What have the influences of emerging technologies had upon the newspaper coverage of the private lives of sports celebrities?

## **Research hypotheses:**

The study also tests the following hypotheses:

**Hypothesis 1:** The way the private lives of sporting personalities have been covered in newspapers has become more invasive since the 1940s.

**Hypothesis 2:** Case studies of the selected Australian Test cricketers will show that in the 1940s and 1950s the off-field indiscretions of top cricketers were rarely reported in depth, whereas for the rest of the 20<sup>th</sup> century, and the first decade of the 21<sup>st</sup> century, they were reported extensively by the print media.

**Hypothesis 3:** Journalists, academics and sporting personalities have different perceptions of how sporting icons' private lives are covered by the print media.

The researcher has spent more than half a century in journalism and journalism education.

He worked for 18 years in daily journalism, for print and broadcast media outlets in three

Australian states before moving into academia and spending (as of early June, 2014) more

than 35 years in tertiary journalism education. He still writes on sport and ethics and

teaches part-time at Bond University on Queensland's Gold Coast. His research interests

have long centred around sports journalism and media ethics and he has written texts in

both areas (Hirst & Patching, 2005, 2007; Patching, 2009, 2011, 2012; Patching & Hirst,

2014). This study was prompted by a professional lifetime of watching the media coverage

of sporting icons' behaviour 'off the field'. The study examines this coverage and divides it

into core elements to reveal an interesting dynamic at play – the interaction between news

values, ethical values, legalities and the cultural phenomenon of 'celebrity'. The study is designed

to approach that examination systematically by reviewing the academic literature in those

fields, exploring the usefulness of some existing theories, analysing the newspaper coverage

of incidents in the 'off field' lives of the five cricketers as case studies and interviewing

experts in the fields of journalism, journalism ethics and sport, and ultimately to suggest a more personal approach to the reporting of the private lives of sporting celebrities.

Media research is not associated strongly with a single theoretical approach (Williams, Rice, & Rogers, 1988; Wimmer & Dominick, 2011). It often draws upon other theoretical traditions like those associated with history, communication and cultural studies. The theoretical backbone of this thesis used Chadwick and Mullaly's Taxonomy of Fame analysis (1997) as a starting point for examining the ethical implications of the media coverage under review. The case study method was used because its strength was its ability to deal with a variety of evidence (Yin, 2008, p. 11). In addition, case study research is considered the most appropriate for questions that begin with 'how' (Wimmer & Dominick, 2011, p. 142). The first research question involves an analysis of newspaper coverage of incidents in the private lives of the five cricketers which will illustrate *how* celebrity coverage has changed over the research period. Another important advantage of the case study approach in the context of this research was that it allowed the researcher 'to study a process over time' (Williams et al., 1988, p. 108). Agenda-setting and framing (Cohen, 1963; Connors, 2005; Entman, 2007; Ghanem, 1997; McCombs, 1997, 2005; McCombs & Shaw, 1972; Rill & Davis, 2008; Scheufele & Tewksbury, 2007) have been applied to the content of the five case studies to draw out any differences in the coverage over the 65-year time frame of the research. This thesis also used traditional journalistic research methods, which are now accepted as an academic research method in their own right (Bacon, 2006; Breen, 1998; L. Duffield, 2009; Nash, 2013a; Pearson & Patching, 2010; Phillips, 2013; I. Richards, 2013). Traditional journalistic newsgathering methods of investigation and analysis were used to help decide on the incidents to be examined in the five case studies (chapters 6 – 10), to gather and analyse the material about the incidents that were to be examined, and

during the interview stage of the research (chapter 11). These qualitative analysis techniques (Presnell, 2008; L. Richards, 2009; Anselm Strauss & Corbin, 1990) and grounded theory (Charmaz, 2005; Cutcliffe, 2000; Glaser, 2002; Glaser & Strauss, 1967; Skeat & Perry, 2008) was used in the final, theory-development stage of the research.

The multi-method approach was considered by the researcher as the most appropriate way to address the research questions. It involved a content analysis of selected newspapers in target years in the period 1945-2010, focussing on those associated with particular incidents in the private lives of Bradman, Miller, Greg Chappell, Warne and Clarke. Analysis of these articles using journalism research techniques addressed the first primary research question of identifying differences in the coverage over 65 years. Copies of all stories written at the time about the particular incidents in the newspapers of the day in Brisbane, Sydney, Canberra, Melbourne and Adelaide, were collected from various State Libraries, the National Library in Canberra and one university library in Brisbane, and assessed. The case studies also aimed at confirming the first two of the hypotheses – that intrusion into the cricketers’ private lives had become more invasive over the 65-year period and showing the differences in the coverage from 1945 to 2010. The second and third research questions on what might explain the differences in coverage and the role played by new technologies were addressed using mainly journalism research techniques in a series of eight elite, in-depth interviews with sporting journalists, journalism ethics academics, and a former national cricketer-turned-broadcast commentator. The interviews also addressed the third hypothesis – whether journalists, academics and sporting personalities differed on how they thought sporting icons’ private lives were covered by the media. Their responses were transcribed and subjected to qualitative analysis to draw out similarities and differences in the interviewee’s opinions. Finally, grounded theory techniques were used to develop a

theory on the coverage of sports stars' private lives over the 65-year period under examination, with recommendations for possible change.

A literature review was undertaken into the following areas: the media coverage of celebrities; the role of sport in the Australian national identity; celebrity culture, leading to a discussion of sporting icons as celebrities; what it is like to be famous; sporting icons as role models; the tall poppy syndrome; sporting personalities 'behaving badly' in other sports; the ethical debate on public interest versus invasion of privacy; what the various journalistic codes and charters of independence say about privacy (and invasion by the media); the legal issues associated with privacy and the media; other major academic theses in the general area of sport, fame, and media coverage; and the impact of the Internet and social media on newspaper coverage.

This was done for an initial assessment on why the public – and the media – were so fascinated by the private lives of the 'rich and famous' and why they had such high moral expectations of sporting icons.

Biographies and autobiographies such as *The Don: A Biography* (Perry, 1998), and *Don Bradman: Challenging the myth* (Hutchins, 2002b), *Warne* (Barry, 2007) and *Shane Warne: My autobiography* (2001), and *Greg Chappell* (McGregor, 1986) were read and evaluated to decide on the most appropriate off-field incidents for examination. Other books by cricketers, cricket commentators and journalists about their contemporaries gave an indication of how colleagues and interested parties felt about the unwanted media attention afforded the sporting personalities.

A case study was written about the reporting of an incident involving each cricketer. After placing the time of the incident in its historical context, the newspapers of the day were analysed to assess the extent and potential impact of the coverage of the various incidents.

Armed with the findings from the newspaper content analysis, a semi-structured questionnaire was formulated to administer to the elite group of senior journalists, media academics and the lone sporting personality to elicit their reactions to changes in media coverage. Their responses were analysed using journalism research methods and grounded theory to draw out alternatives to the current media approach.

***Ethical considerations:***

The researcher gained the appropriate ethics clearance from the Bond University Higher Research Ethics Committee (BUHREC) in October, 2010 (Project no RO-1214) for the elite interviews, using as a template for the application the documentation associated with two recent research projects in which the researcher had been involved. All interviewees agreed to be identified by name for any of their opinions.

***Defining key terms and concepts:***

Several key terms associated with the content of this thesis needed to be defined to the mutual exclusion of other meanings although the nature of the general topic – the private lives of sporting celebrities and how they have been reported over 65 years – made some precise definitions difficult. Others have indicated similar problems in privacy research. Former Australian federal Privacy Commissioner, Moira Scollay (cited in R. Evans, 1998), argued that privacy was ‘notoriously difficult to define’:

While it is easy to describe privacy as important, it is much more difficult to describe what it actually is. The right to privacy is more often likely to be felt than it is to be articulated (1998).

Privacy is easier to understand in reference to its legal offshoot – the invasion of privacy. William Prosser’s seminal paper of more than half a century ago (1960) defined invasion of privacy in relation to the four US torts which cover it: intrusion on a person’s solitude or

into his private affairs; public disclosure of embarrassing private facts; publicity which places a person in a false public light and the appropriation for gain of a person's name or likeness (1960, p. 389). The High Court, in the landmark *ABC v Lenah Game Meats* case said:

There is no bright line between what is private and what is not. Certain kinds of information about a person, such as information relating to health, personal relationships or finances, may be easy to identify as private ("*Australian Broadcasting Corporation v. Lenah Game Meats*," 2001).

Two of the four actions that the Australian Law Reform Commission (ALRC) considered invasions of privacy (*For Your Information: Australian Privacy Law and Practice Volume 3*, 2008) were that there has been 'a serious interference with an individual's home or family life' or that 'sensitive facts relating to an individual's private life have been disclosed' (2008, p 2565).

Four of the five case studies in this thesis (Miller, Greg Chappell, Warne and Clarke) centre on the reporting of the individual's 'personal relationships' and 'private life'. The Issues Paper associated with the latest ALRC reference on privacy (*Serious Invasions of Privacy in the Digital Era*, 2013) noted that among the Commission's guiding principles would be that privacy was important for individuals to live a dignified, fulfilling and autonomous life; that it was an 'important element of the fundamental freedoms of individuals which underpin their ability to form and maintain meaningful and satisfying relationships with others' (*Serious Invasions of Privacy in the Digital Era*, 2013, p. 14). The Issues paper also pointed out that there was 'a public interest in the protection of individual privacy and confidentiality' (*Serious Invasions of Privacy in the Digital Era*, 2013, p. 14). Of interest in the context of this thesis was the Commission noting that a key question for the inquiry would be 'how best to balance the public interest in the protection of privacy with competing public interests,

including, but not limited to, freedom of expression' (*Serious Invasions of Privacy in the Digital Era*, 2013, p. 20). The Issues Paper had earlier included 'freedom of the media' in their discussion of freedom of speech and expression (p. 14).

Also of importance in the context of this thesis is the meaning of the phrase 'public interest'. When controversies have arisen over the invasion of individuals' privacy in the past, the media has maintained that the intrusive reporting was justified because the stories were 'in the public interest' because the public had a 'right to know' when in many cases it is that the public simply 'wanted to know'.

Morrison and Svennevig's survey (2002) on *The Public Interest, the Media and Privacy* for various major media and government policy and administration groups in the United Kingdom found there was no precise definition of 'public interest' although it was considered 'a suitable defence for media intrusion under appropriate circumstances' (2002, p. 1). They said the lack of a precise definition was used as a defence for practices where no real public interest was obvious. They added that the defence could not be used in referring to something that people were merely interested in knowing about, although they conceded that was less clear cut where the popular press were concerned. In a later journal article, Morrison and Svennevig (2007) suggested an alternative to public interest: "social importance".

The term "social importance" appears to us to capture all that "in the public interest" refers to without the associated operational difficulties of the latter. At a stroke it gets rid of the troublesome referent, *the public* and the cognitively bothersome word, *interest*. The term "social importance" opens judgement of intrusion to reason in a way that is not so readily the case with the term "in the public interest" (2007, p. 61).

But they concluded that 'public interest' was too entrenched in the 'journalistic repertoire' to be replaced, despite the lack of a precise definition as to its meaning (Morrison & Svennevig, 2007, p. 63).

Media law academic, Dr Joseph Fernandez (2009) suggested replacing 'public interest' with what he called 'public concern' to alleviate the difficulty of an adequate definition.

The *public concern* test would, at its base, 'embrace all speech relevant to the development of public opinion on the whole range of issues that people should think about. Put simply, it would cover all matters that people may be legitimately interested in or concerned about' (Fernandez, 2009).

The term 'celebrity' was defined by Boorstin as (1961, p. 58) 'a person who is known for his well-knownness'. Brown and Fraser (2002) credited Boorstin with first drawing attention in the early '60s to the change from individuals being described as heroes to being referred to as celebrities, tracing what he saw as the American cultural shift from 'hero' to a fixation on celebrities (2002, p. 2).

Nalapat and Parker (2005) provided a sporting context in their definition, arguing that sports performers become famous because of their abilities and charisma, and somehow were transformed into celebrities:

Many writers have attempted to plot the logic of this transformative process, but the fact remains that celebrity is a highly contested concept that has eluded any real sense of academic definition or understanding to date (2005, p. 434).

Australian academic Graeme Turner (2009) also provided a definition with a sporting reference:

"celebrity" is attached to a particular kind of cultural figure: they will usually have emerged from the sports or entertainment industries; they will be visible through

the media; and their private lives will attract greater public interest than their professional lives (2009, p. 310).

Brown and Fraser (2007, p. 9) have suggested that celebrities become known for their self-promotion and media exposure, often relishing the public spotlight. A distinction should be made between being famous, or having fame, and being a celebrity. Rockwell and Giles (2009) defined fame as a long-standing phenomenon largely derived from mass society in which individuals (like sports stars) are glorified for their deeds. They saw 'celebrity' as related to mass media, brought about by newspaper, magazine, television, the Internet, cinema and pop music (2009, pp. 179 - 180). One is the condition of 'being glorified' and the other a process of media exposure. In other words, being famous leads to media exposure and status as a 'celebrity'.

The word 'paparazzi' is derived from the Italian word for 'buzzing insects' and was coined as the surname for a celebrity photographer in the 1959 Federico Fellini film, *La Dolce Vita* (Nordhaus, 1999, p. 286).

***Limitations:***

A researcher's own background and interests will inevitably inform the study. This researcher brings both advantages and disadvantages to the study. He has had a career-long interest in journalism, sports reporting and journalism ethics. He has developed strong relationships both in mainstream media, and in tertiary journalism education having spent more than half a century in the fields. Most researchers in the area of qualitative research – the main method employed (along with traditional journalism research methods) of both the case studies and expert interviews sections of this thesis – have admitted the potential for bias on the part of the researcher. Willis (2007) maintained that qualitative research 'rejects the very idea that you can be objective and neutral in research':

You pick certain things to study because you have an interest. You probably also have an idea about the results and conclusions you will end up with (Willis, 2007, p. 210).

Wimmer and Dominick (2011) suggested bias can enter into research through ‘mistakes made in observation, data recording, mathematical computations and interpretation’

Whether experimenter errors are intentional or unintentional, they usually support the researcher’s hypothesis and are biased (Wimmer & Dominick, 2011, p. 29).

Yin (2011) maintained that ‘behaving properly’ in qualitative research was a matter of ‘research integrity’ and guidance about such integrity can be found in ‘codes of ethics, ethical standards or guiding principles’ (Yin, 2011, p. 39). It is such codes and standards that have guided the researcher during his professional career. The key is to acknowledge the potential for bias. However, it is the researcher’s strong belief that his position in the journalism education landscape in Australia informed the interviews that were undertaken, not the least of which because all of the interviewees, with the exception of the former cricketer, knew he had devoted a working lifetime to journalism and journalism education in Australia and had sufficiently wide knowledge in the area to be taken seriously when he posed the various questions in the interviews.

**Summary:**

This chapter introduced the thesis and outlined the focus of the research and how its aims would be achieved. It detailed the three research questions and three hypotheses and explained how they would be explored. It explained how and why the five cricketers involved in the case studies – Sir Donald Bradman, Keith Miller, Greg Chappell, Shane Warne and Michael Clarke – had been chosen as subjects for the research. It placed the thesis in context by briefly backgrounding the role of celebrities in modern culture and discussed the

media's fascination with off-field sporting personalities' scandals. It briefly introduced privacy intrusion and the conflict between information the public has a *right to know*, as opposed to information they would *like to know*.

The chapter also laid the theoretical framework for the thesis that follows. It explained how the thesis would first present a literature review of the series of relevant topics mentioned above, followed by the theoretical framework and methodology that underpins the research. The next section of the thesis centres on five case studies presented in chapters 6 – 10. Implications drawn from the case studies were then considered through the lenses of eight elite interviews. These in turn provided a range of insights to assist with the development of final recommendations for the development of an alternative framework for the news media's coverage of the private lives of celebrities.

The chapter also presented evidence of the researcher's ethical clearance for the elite interviews and, finally, it developed some key definitions which underpin the research framework. The following chapter begins the literature review of some of the areas under consideration in the thesis. chapter 2 looks at aspects of sport and culture in the Australian context and chapter 3 considers the legal and ethical literature on the topic area.

## Chapter 2:

### Literature Review – Sport and Celebrity

#### *Introduction:*

Sport forms a major part of Australia's national culture. Nowadays, interest in sport reaches dizzy heights during the summer Olympics and the Commonwealth Games, the annual Australian Rules Football Grand Final (known colloquially as much by the day on which it is played – the last Saturday in September), the so-called 'race that stops a nation', the Melbourne Cup, another event known for the day on which it is held, the first Tuesday in November, and the regular Ashes cricket series against 'the old enemy', England.

This chapter canvasses the literature that relates to sport as part of Australia's national identity, celebrity culture in general and how it applies to sporting icons in Australia; sporting personalities as role models, other research theses in related fields and what it means to be famous. The second section for the Literature Review (chapter 3) examines the debate between public interest and invasion of privacy by the media; legal aspects of privacy; and the impact of both the Internet and social media on their mainstream counterparts. Chapter 3 also looks at what other cricketers and commentators have said about sporting celebrities' privacy.

The research is underpinned by the modern image of sports people, the rise of celebrity sports personalities and their commodification. The sporting personality as commodity has resulted from the role of television in broadcasting sport to a worldwide audience, the amount of money that television networks pay for the rights to broadcast major sporting contents (and the money that flows on to the players), sponsorship of sport in general, and

of individual sporting personalities. It has made celebrities of major sporting personalities, earning them major pay-packets and making them household names, thereby building up interest in their every move, on and off the 'playing field'.

Whannel (2002) charted the changes in media over the seven decades of this research, noting that the current dominance of television in the coverage of sport had blinded modern fans to the fact that reporting at various times had been the province of literature, magazines, newsreels in the cinema, newspapers and radio (2002, p. 30). In his history of sports coverage he dated the so-called 'tabloid revolution' to the purchase of the London *Sun* by Australian-born media mogul Rupert Murdoch in 1969 and its re-launch as a tabloid newspaper. Whannel said that purchase began the revolution in which the *Sun* and the *Daily Mirror* competed for the British working-class reader, with, amongst other things, sport and scandal (2002, p. 35). Advances in television technology through the 1970's meant that by the 80's television sport was global (Whannel, 2002, p. 129), with the set piece events, like the summer and winter Olympics, the soccer and cricket World Cups, the tennis grand slams and golf majors, and for England and its former colonies, the Commonwealth Games. They drew huge audiences and equally-huge broadcast rights fees and television advertising rates.

Nowadays sports stars have one job – excelling at their chosen sport. The growing professionalism of sport, and the large financial rewards on offer have produced greater pressure for dedication and commitment (Whannel, 2002, p. 145). The modern sports star needs to be disciplined, not only physically to keep him or her in peak condition to perform at the highest level, but disciplined in how they behave off the playing field, in their private lives.

Whannel devotes a chapter to what he terms:

‘(T)he ways in which the media and the new disciplined professionalism of elite sport condemns some to punishment in the new village stocks of the tabloid front pages’ (2002, p. 143).

It was different in Bradman’s day. Popular sports stars were paid little to play for their country, and had to have ‘regular’ jobs to make ends meet. Pay, at times, was a major issue for Bradman at the height of his fame. Whannel (2002) said that even as late as the 1950’s a scandal had to have political, security or criminal implications, involve elite or respected public figures to make headlines. Otherwise the goings-on of the rich and famous were rarely given a public airing. Journalists ‘in the know’ typically turned a blind eye.

Specialist journalists, such as sports reporters, who typically have close relations with their subjects, were especially prone to refrain from rushing into print with tales of drink problems or sexual peccadilloes (Whannel, 2002, p. 153).

What has happened in the past few decades, according to American commentator and feature writer for *The Atlantic Monthly*, William Powers (2002), is that ‘the media have stopped treating celebrities as distant, unknowable beings, gods and goddesses who are nothing like you and me’. He maintained that today’s celebrities are the opposite of distant and anything but flawless. ‘They are in our lives and our faces, like family members whom we know almost too well, in all their glory and horror’ (Powers, 2002).

The thesis looks at whether sporting icons are treated differently nowadays than they were in Bradman’s, Miller’s or Chappell’s time, and if so, why. What level of ‘bad boy’ behaviour did the media and public tolerate and how many times would the public ‘forgive’ an errant sports star? Major personalities from different eras in the major Australian summer sport, cricket, were chosen so that media coverage of sporting personalities in general, and of the five cricketers in particular, could be analysed. From time to time examples will be drawn

from other sports and celebrity cases in order to highlight certain issues. 'Acceptable behaviour' has obviously changed between 1945 and 2010. But this thesis is not a study of changing moral standards – it is concerned with how the print media covered events in the private lives of sporting celebrities.

***Modern media coverage of celebrities:***

A very public sporting scandal in the opening decade of the 21<sup>st</sup> Century was the downfall in the public's eyes of golfing superstar Tiger Woods in late 2009 / early 2010. At the height of the scandal, one American blogger, discussing how sports coverage had changed over the years, noted:

This sequence of events (the coverage of Woods) was unheard of 50 years ago. Not because transgressions didn't occur then – there have been philanderers throughout the history of mankind – but because coverage of this type did not occur in reputable publications (Spratling, 2010).

Powers (2002) expressed a similar sentiment eight years earlier:

Once upon a time, celebrities had to die before we learned that they were not quite the well-adjusted husband, the wonderful mother, the consummate professional they were made out to be in the hype-heavy media. Now when celebs crash or otherwise embarrass themselves, we know it almost immediately, and we watch it unfold, more or less in real time (Powers, 2002).

Two years later, with massive media interest centred around the court cases of high profile American basketballer Kobe Bryant and pop icon Michael Jackson, Rosen (2004) asked in the *American Journalism Review* what had changed to cause celebrity news to dominate the news agenda?

Everything really. First off, there's no such thing as a gatekeeper. There are bazillions of media outlets, and any one of them at any time can catapult a story into national play (Rosen, 2004, p. 20).

She quoted veteran American ABC news correspondent Stephen Bell as saying: 'Now you have even chat rooms putting stories into play. Anyone will chase the slightest whiff of news reported by anyone else, for fear of being the only one without it. For competitive reasons alone you can't afford to be left out' (cited in Rosen, 2004, p. 20).

These news events create what Turner, Bonner and Marshall (2000) called 'flashpoints' in contemporary culture, 'where a particular celebrity completely dominates media coverage' (2000, p. 3).

Marshall (2005) said that there is no question that the fall of a celebrity is a major news story for the mainstream media:

Although this may be the primary content of tabloids, it has become an element of the most highbrow of newspapers (2005, p. 26).

The movement of coverage previously reserved for the gossip magazines into upmarket mainstream media is central to this thesis.

The observations above were made before *Facebook* and *Twitter* became ubiquitous, at times contentious, news sources in the second half of the first decade of the 21<sup>st</sup> century.

Connell (1992) in a chapter in *Journalism and Popular Culture* deplored the tabloid approach to celebrities:

The most vitriolic of the attacks seems to be reserved for those who by good fortune have found themselves one of the stars. They have not been born to stardom. It is, therefore, as if the tabloids are waiting for the inevitable, the moment when these

parvenu personalities give themselves away and reveal the ordinariness of their origins (1992, p. 83).

Others attacked the media for devoting so much space to celebrities. Under a heading declaring 'Gossip about celebrities isn't journalism', Pollack (2006), while noting that 'celebrities are famous ... because they are written about in gossip columns and talked about on the Internet' further observed:

The ever-growing urge for ever-growing space and time in the media spotlight is causing some media organisations to get so wrapped up in what is noisy that they forget about what is newsy (2006, p. 14).

The author of *Winchell: Gossip, Power and the Culture of Celebrity*, Neal Gabler (2004), writing in the *Columbia Journalism Review* on what he called the 'Rise and Rise of Celebrity Journalism' early in the 21<sup>st</sup> century asserted that '... once-taboo subjects are now grist for the journalistic mill and ... celebrities are news' (2004, p. 48).

Journalists themselves have pointed to the drift away from hard news to more entertainment-related stories. Geoffrey Barker (2009), a reporter for nearly 50 years before retiring in 2007 from the Canberra bureau of the *Australian Financial Review*, lamented the state of the mainstream media in the *Griffith Review*:

(T)he practice of dumbing down – avoiding or downplaying difficult issues and highlighting sensationalist material, emphasising sex, scandal and sport – is now universal in Australian newspapers seeking to halt declines in circulation (2009, p. 121).

In the context of this thesis it is important to question whether journalism's Fourth Estate ethos as society's watchdog is being supplanted, or at least eroded, by a perceived need to feed their audiences' desire for celebrity gossip – gossip about sporting celebrities included.

But the public has been quick to criticise the media if they consider they have overstepped the mark by invading a famous person's privacy. There was a worldwide public outcry in the wake of the death of Princess Diana in 1997. At the time, Boehringer (1997) suggested:

The indoor sport that everyone loves to play is bashing the media, particularly when it can be readily viewed as "out of control". Public outrage fuelled by the perceived "hounding" of Princess Diana has fastened on easy targets: lower forms of media life – "irresponsible" hirelings, like Editors, journalists and photographers – and despised categories like "the hacks of Fleet Street", "ghoulish" royal watchers and the now-infamous "paparazzi" (1997, p. 3).

***Australian national identity and sport:***

One of the major areas that must be addressed is the role that sport in general, and cricket in particular, has played in the development of Australia's national identity. A body of national identity literature has evolved since the 1970's, much of it highlighting the role of sport in shaping the nation's self-image. But Australia's sporting heritage dates back to the earliest days of white convict settlement in the late 1700's. As Stewart, Nicholson, Smith and Westerbeek (2004) noted, sport was encouraged in the fledgling Sydney colony, 'with colonial values advocating that sport created more rounded individuals, subsequently leading to a better society. Sport was the cure-all for social deviance and dysfunction' (2004, p. 6).

Sport provided an opportunity for the 'colonials' to beat their British masters at their own game(s), and this became a significant measure of achievement for the new colony.

It was during this pioneering period that Australians adopted an intemperate pride in their sporting prowess, one that is still evident today' (B. Stewart et al., 2004, p. 6).

Sport became a dominant vehicle for the expression of national pride and self-esteem (B. Stewart et al., 2004, p. 14). As Harte and Whimpress (2008) commented in *The Penguin*

*History of Australian Cricket:*

Australia's national heroes have, in the main, been connected with sport. The country can relate to a Don Bradman more than to any politician; to a Dawn Fraser rather than to an artist; to athletes, swimmers, boxers, footballers of varying codes and even to a racehorse such as Phar Lap (2008, p. 1).

Historian Geoffrey Blainey (1994) believed that since the early days of the colony, Australia has had the 'ingredients of the sporting life which other nations would later foster' (1994, p. 116). He nominated those 'ingredients' as plentiful cheap or free land for horse racing, football and cricket; long arms of sheltered water for professional sculling; a climate favouring outdoor activities; two major cities (Sydney and Melbourne) that could muster large crowds for events; a high standard of living that enabled attractive prize-money and fine facilities; a high proportion of single men in the population; public holidays and free Saturday afternoons (Blainey, 1994, pp. 116 - 117). He argued Australia probably led the world in the move to shorter working hours, with the majority of city-based wage-earners clocking off at two o'clock on a Saturday afternoon, leaving them free to either play or watch sport (1994, p. 117).

The great Australian poet Henry Lawson referred to his country as 'a land where sport is sacred' (cited in Lynch & Veal, 2006, p. 261). In much the same way, historian Donald Horne (1964) indicated an awareness of the national passion for sport when he observed that 'sport to many Australians is life and the rest a shadow' (1964, p. 40). He also noted in his seminal work, *The Lucky Country:*

To play sport, or watch others play, and to read and talk about it is to uphold the nation and build its character (1964, p. 40).

Modern-day journalists and opinion writers are always keen to remind their audiences, usually in discussing the latest sports star to fall from grace, of the important role sport plays in the national identity. Middendorp (2010) said that 'most Australians would agree that sport is not just good for us, it is our driving national passion, our true religion'.

Comparing the sporting heritage of Australia and New Zealand, Higham and Hall (2003) declared that sport was a central feature of life in both countries:

Sport has similarly been an important component of Australian national identity and has often had substantial moral overtones because of the relationship to physical, and, presumed, mental fitness (2003, p. 131).

Mewett (1999), after researching the role the Stawell Gift (which is run every Easter in the country Victorian town after which it is named) plays in Australia's national sporting identity, noted:

History is replete with examples of how sporting events and the successes of athletes have been used to bolster national esteem. In the case of Australia, I suggest that sport plays a somewhat different part, because it comprises, through a notion of the Australian as a physically excellent person, an aspect of this nation's identity (1999, p. 358).

He drew a distinction between nations that use sport for national glorification and Australia where 'sport, or, more accurately athleticism, is intrinsic to national identity' (1999, p. 358)

According to Evans and Kelley (2002), in a major survey of public attitudes in 24 countries, 'pride in sports matters especially in smaller nations' (2002, p. 303), like Australia.

For a country with a relatively-small population, to use a sporting cliché, the country ‘punches above its weight’ in the international sporting arena, a constant source of national pride. At the Olympic Games in Beijing in 2008, for instance, Australia finished sixth in the overall medal table behind host China, the United States, Russia, Great Britain and Germany – all with populations far in excess of that of Australia. If the table was decided on a simple medal total, rather than the number of gold, Australia would have finished fourth, having seven more medals overall than Germany, but two less gold, and one more medal than Great Britain, but five less gold ("Australian medallists," 2008).

Australians are a nation of sports participants, too. The 2011-12 Australian Bureau of Statistics survey showed that almost two-thirds of Australians aged 15 or over play sport or exercise, with about half of the adult population taking part in sport or physical recreational activity 105 times or more in the 12 months prior to the research interview ("Participation in Sport and Physical Recreation, Australia, 2011-12," 2012), in other words more than twice a week.

The Evans and Kelley survey (2002) found that sport elicited ‘feelings of national pride in many breasts around the developed world’ (2002, p. 313), especially in smaller nations (p. 303). The researchers found pride in sport to be relatively high in all nations (p. 307) and that substantial majorities felt ‘proud’ or ‘very proud’ of their country’s sporting performances in all the 24 countries surveyed. They hypothesized that sporting success might be especially important to the sense of nationhood in ‘new countries’ that lacked a rich heritage of common memories (p. 307). Australians were fourth behind Ireland, New Zealand and Bulgaria as being the ‘most proud’ in their sporting achievements (2002, p. 319). Citizens of smaller nations like Australia were ‘prouder’ of their nation’s sporting achievements than their counterparts in larger nations.

These comments and findings support this researcher's assertion that sport plays a major part in Australia's national identity and is an important factor in the context of this thesis.

***Celebrity culture:***

Major Australian sporting figures like Bradman, Miller, G. Chappell, Warne and Clarke were (and still are in the latter three cases) celebrities both on and off the playing field and should be considered in the wider context of the phenomenon of celebrity culture. Cultural studies has made the research area of celebrity in the media its own with few adding more to the debate in Australia than Graham Turner. Turner (2009) said that the celebrity industry 'is now a fundamental structural component of the media in Australia' and 'among the largest categories of media product in circulation today' (2009, p. 308). He noted that even the quality end of the print media, newspapers like *The Age* and *The Australian*, which may not include much in the way of celebrity material in the pages of their newspapers, will nevertheless find plenty of room for it on their websites (Turner, 2009, p. 308). Turner said he had earlier highlighted four aspects of what constituted a celebrity. First, it is a commodity that is manufactured, managed and traded through the media. Second, it is a mode of media representation – that is, celebrity is a property of how particular individuals are treated by the media—and, central to this is an interest in their private rather than their professional lives. Third, celebrity is the effect of such media representations, and fourth, it has also been integrated into a form of social relations – celebrity is now a part of the community's common currency of conversation (2009, pp. 310 - 311). Turner saw a worldwide reach of the celebrity:

Today, celebrities are traded like commodities across all kinds of media platforms and into virtually global markets to attract buyers to a wide range of consumer

products – from perfumes and sports shoes to treatments for erectile dysfunction (Turner, 2009, p. 311).

Another leading Australian-based cultural studies researcher, John Hartley (2002), suggested that one of the reasons for the appeal of celebrities is that they ‘perform the ordinary’ (p. 27). He said that stories involving celebrities will often involve them in everyday, ordinary contexts, like divorce, drug abuse and romance. It is an attempt by the media to ‘separate celebrities from their images’ (J. Hartley, 2002, p. 27).

There are a number of reasons advanced for the popularity of celebrity news. Rapping (2009), said a major reason towards the end of the first decade of the 21<sup>st</sup> century was financial:

The television ratings wars and the falling revenues of newspapers have made the media increasingly willing to cater to the lowest common denominator of public taste. And that lowest common denominator is celebrity scandal and gossip. Bad news drives out good (2009, p. 21).

Schultz (2004) had earlier expressed her dismay at the trend in a similar fashion:

The quality press, glitzy magazines, current affairs television and major publishers have all been sucked into the celebrity vortex and its profitable promise. The news hole is shrinking as it is stuffed with manufactured junk (2004, p. 9).

In an earlier work, Turner, Bonner and Marshall (2000) agreed:

Those committed to the function of the “fourth estate” – the media’s role as democratic watchdog – have expressed alarm at what appears to be a retreat from the fundamental responsibility of the press to inform and a corresponding increase in the proportion of stories aimed merely as diverting or entertaining their consumers (Turner et al., 2000, p. 1).

Celebrity-inspired journalism has become routine with distinctions between celebrity and other forms of “elite status” being less defined “as the signs of celebrity drive out less powerful alternatives” (Kenyon & Milne, 2005, p. 313).

Marshall (2005) found it was difficult to separate the histories of journalism and the emergence of the contemporary celebrity system:

Journalism has been instrumental in proselytizing a new public sphere and celebrities have been a fundamental means and method for the expansion of key elements of that new public sphere (P. D. Marshall, 2005, p. 28).

The author of *Sport, Culture and the Media: The Unruly Trinity*, David Rowe (2005), believed that without today’s saturation media coverage the phenomena of the sports celebrity would not exist. Celebrities in trouble are high-interest stories and ‘as news coverage has evolved into a global medium far beyond the archaic notion of the nightly half-hour broadcast, news managers struggle to balance the need to fill time with the journalistic rules and fact checking of the past’ (Summers & Johnson Morgan, 2008, p. 177).

Pearson (2013) suggested a new way of looking at celebrity journalism when he introduced the concept of ‘mindful journalism’ at an international communication conference in Dublin in mid-2013. He drew on the basic teachings of Buddhism on living a purer life to suggest they might inform journalism practice. Of particular relevance to this thesis were his comments about celebrity journalism and the Buddhist concept of ‘right speech’ characterised as ‘both truthful and charitable expression’ (Pearson, 2013). He said the concept raised serious questions about the celebrity gossip orientation of much of the news today:

Gossip about the private lives of the rich and famous, titillating facts about their private lives, and barbed commentary in social columns all fail the test of ‘right

speech' and, in their own way, reveal a great deal about the individual purveying them and their employer (Pearson, 2013).

The comments by former Australian cricketing icon and contemporary of both Warne and Clarke, Adam Gilchrist, who after he retired from the national team was made Chairman of the Australia Day Council, are relevant. On the eve of the announcement of the 2010 winner of the Australian of the Year award, Gilchrist criticised the population's fixation on celebrities, saying they were in danger of becoming obsessed with what he termed the 'silly behaviour' of celebrities instead of admiring people of 'substance' (Rodgers, 2010). He said the Australian of the Year awards gave Australians, but more importantly, their children, genuine role models of substance. An indication of the high standing sports stars have in the Australian community is the fact that a total of 15 national sporting personalities, including three captains of the national cricket team (Allan Border, Mark Taylor and Steve Waugh) have been named Australians of the Year since the awards began in 1960 (<http://www.australianoftheyear.org.au/receipients>). The 2014 Australian of the Year is Sydney Swans AFL star and indigenous leader, Adam Goodes.

The rise of celebrity reporting in mainstream media, in general, and in the reporting of sporting personalities in particular, is important as an indicator of a media-perceived public interest in such stories and is central to the research questions of this thesis.

### ***Sportspeople as celebrities:***

While many sportspeople enjoy celebrity status within the confines of their particular sport, a small number of outstanding achievers transcend sport, some willingly, others not-so-willingly, to become celebrities in the broader sense of the word. Sport in general has become a recognised international provider of celebrities who have become household

names, like Tiger Woods, Roger Federer and David Beckham. 'Its drama, its personalities and its worldwide appeal mean sport is the new Hollywood' (Bell & Campbell, 1999, p. 22).

The foreward to Andrews and Jackson's *Sports Stars: The cultural politics of sporting celebrity* (2001) noted:

In a culture obsessed with celebrity, sportsmen and women are some of the highest profile figures. We are fascinated by sports stars' lifestyles, love lives and earning power (Andrews & Jackson, 2001).

But how does a sporting icon become a celebrity? According to Nalapat and Parker (2005) sports performers become famous 'as a consequence of their physical and cognitive abilities, by way of their charismatic demeanour; or sometimes both. For a small number, fame transforms itself into an altogether more intense form of recognition around which celebrities are born' (2005, p. 434).

Smart (2007) dates the emergence of sports personalities as celebrities to the Twenties:

The 1920s has been described as the "Golden Age of American Sport", a period in which, in a range of popular sports, outstanding individuals emerged to be greeted by journalists and radio broadcasters eager to transform them into larger than life celebrity figures (2007, p. 123).

In America it was 'Babe' Ruth (baseball), Jack Dempsey (boxing) and Bobby Jones (golf), while in Australia the rising sporting superstar was a young cricketer from Bowral in the southern highlands of New South Wales, Don (later Sir Don) Bradman. They were public heroes, there to raise spirits in the late Twenties and early Thirties during the Great Depression. In Australia, it was also a horse, Phar Lap, affectionately known as 'Big Red', who raised the nation's spirits in those troubling times, as have other individuals and teams

through the past century. This thesis is interested in sports stars who were starting in the early 20<sup>th</sup> century to be seen for their promotional and marketing potential.

(T)he popular profile such sporting figures enjoyed drew the interest of companies eager to convey the impression of some form of association between their products or services and the authentic achievements and attractive accompanying qualities of outstanding athletes and players (Smart, 2007, p. 123).

Product endorsements have been, and still are, a major source of income for sport's superstars. A study released in early 2011 showed that sporting celebrities' endorsements were a powerful motivator in how Australian parents decided what food to buy, and could easily prompt less healthy choices ("Sport power sells foods," 2011)].

Reviewing Smart's earlier book, *Sport Star: Modern Sport and the Cultural Economy of Sporting Celebrity* (2005), Rowe (2006) dated the emergence of the sports star further back:

Sports stars have existed ever since the professionalisation of sport in the nineteenth century, but over the past two decades they have achieved unprecedented cultural prominence (Rowe, 2006, p. 174).

As early as the 1940s it was clear a consumer culture was developing and the sporting celebrities of the day could be used to sell anything. Sponsorship and endorsement had become entrenched, and sporting icons realised the earning potential of lending their image to a range of products.

Slater (2002) said in a review of the aforementioned *Sports Stars: The cultural politics of sporting celebrity* (Andrews & Jackson, 2001):

We've come a long way since Babe Ruth. Or maybe not, since the editors identify him as the "prototypical sports celebrity endorser", someone who served as spokesperson for a myriad of commercial entities (2002, p. 511).

Slater described product endorsement by sports celebrities as 'a growth industry of the late twentieth century' (2002, p. 511).

The down side of sponsorship is what happens when a sports star makes the news for the wrong reasons, usually because of off-field behaviour. Disgraced cyclist Lance Armstrong paid a heavy financial cost for his cheating. He told Talk-show host Oprah Winfrey in the 'tell-all' interview in early 2013 that he had lost \$US75 million the previous year when his main sponsors deserted him after he was officially outed as a serial drug cheat (Homfray, 2013). Tiger Woods was said to have lost up to \$US35 million in sponsorships for his sexual indiscretions (Klayman, 2010). At the height of the scandal it was estimated that shareholders of companies endorsed by the world's top golfer had lost up to \$US12 billion (Fletcher & Cherry, 2009). Wilson, Stavros and Westberg (2008) found that player transgressions may bring negative repercussions for sponsors as a result of their association with the team, athlete or sport (2008, p. 99). Incidents and subsequent publicity can cause sponsors to review their decision to associate their brand with sporting organisations or individuals involved in behaviour that is considered unacceptable by their customers or the community in general (Bradley Wilson et al., 2008, p. 99). But a 2010 American survey, conducted in the wake of the Tiger Woods scandal, showed most Americans said when a celebrity endorser gets involved in a scandal it did not affect their feelings towards a brand ("Celebrity Scandals and Endorsement Deals: Three-Quarters of Americans Say it Does Not Impact Feelings on the Brand'," 2010).

According to Cashman and Parker (2003), during the first 60 or so years of the Twentieth century, sportsmen like Babe Ruth, Muhammad Ali and the soccer great, Pele, enjoyed status comparable to the greats of Hollywood, and while they were famous, they were not celebrities in the contemporary sense of the word (p. 216). Cashmore and Parker saw the

modern-day celebrity sportsperson as different, known as much (if not more) for their popular image as their sporting prowess. They saw sport, in particular soccer, and a global culture obsessed by sport, combining to produce the modern-day celebrity:

It is the process by which people are turned into “things”, things to be adored, respected, worshipped, idolized, but perhaps more importantly, things which are themselves produced and consumed (Cashmore & Parker, 2003, p. 215).

Also typical of this category are the American basketballer Michael Jordan and the British soccer superstar David Beckham, both of whom have become global brands in addition to sporting icons.

Nalapat and Parker (2005) agreed that a few sports stars transcend their respective games:

(S)ome contemporary performers have outgrown their sporting identities and have acquired instead a celebrity status traditionally reserved for the stars of film and television (2005, p. 433).

Of particular relevance to this thesis is their conclusion that:

Rumours surrounding the public and private lives of modern-day sports stars are part of everyday media discourse. (B)oth we and they have come to accept (and, indeed, expect) the intrusive strategies of the world’s media and the scrutinizing gaze this affords (Nalapat & Parker, 2005, p. 442).

Doctoral and Masters theses have used sporting personalities in studies of celebrity culture. Eliopoulos (2009) looked at media representations of a sport-celebrity couple – singer-actress Jessica Simpson and her boyfriend, Dallas Cowboys quarterback, Tony Romo. Her MA thesis analysed more than 100 magazine articles and an equal number of newspaper reports coinciding with the publicity surrounding the so-called ‘Jessica Simpson’ jinx on the star footballer. She found that the media habitually employed gossip and rumour to frame their

stories about the two (Eliopoulos, 2009, p. iv). Kara Presnell's PhD thesis (2008) was titled *Media, Celebrities, and Identification: An Examination of Fan Relationships with Dale Earnhardt amid the culture of NASCAR* (2008). She, too, explored the celebrity status of sporting icons through in-depth interviews with 14 loyal Earnhardt fans after his tragic death on the last lap of the 2001 Daytona 500. She found the fans had developed strong, 'even pathological levels of identification' with the celebrity that impacted their lives in a variety of ways (Presnell, 2008, p. iii).

The researcher believes the five chosen case study subjects have transcended their particular sport to become celebrities in the broader sense of the word and in so doing, have become household names of their respective eras, and thereby qualified for close attention from the mass media.

### ***The price of fame:***

This thesis is not about what it is like to be famous, but one of the major areas it does explore is what could be termed 'the price of being famous' (or being considered a celebrity) and the impact that has on the individual's privacy as seen through the coverage they receive during their sporting careers. The issue was also pursued in elite one-on-one interviews with recognised experts in the field. Former *CNN* producer / reporter in Washington, Donna Rockwell, used her media connections and those of her TV sportscaster husband, to analyse the experience of 'being famous' for her thesis (2004) titled *Celebrity and Being-in-the-world: The Experience of Being Famous*. She interviewed 15 American celebrities across a range of professions, including sport. Her study found that as far as the famous were concerned, fame brings with it depersonalisation, loss of privacy, expectations, ego gratification and symbolic immortality. She found it also brings with it wealth, access, temptation, mistrust and familial concerns (2004, p. 3).

Rockwell and Giles considered whether the benefits of the celebrity experience were worth the loss of privacy and anonymity (p. 179). They found that many of the celebrities, who included American national basketball and hockey players, found themselves ill-equipped for, and struggling with, the attention that comes with fame (Rockwell & Giles, 2009, p. 185). Anonymity was exchanged for all that fame had to offer. The famous person felt exposed, with few places to experience privacy. They quoted the celebrities as lamenting a lingering fear of tabloid paparazzi around any corner, calling the issue a 'drag' and 'a pain in the butt to have to worry about' (p 186). 'Privacy becomes a coveted luxury' (Rockwell & Giles, 2009, p. 186). They quoted one athlete's description of their off-field world:

I've seen too many guys outside of fame willing to sacrifice and do anything to be part of it. I've seen too many girls disrespect themselves to be part of it. I've seen too many celebrities completely abuse it, use it, and abuse anybody in their path (Rockwell & Giles, 2009, p. 192).

The literature suggests there is a price that celebrities, including sporting celebrities, pay for their elevated status in the community and that price, in terms of their privacy, is central to this thesis.

### ***Sports stars as role models:***

'The sporting hero has traditionally been perceived as epitomizing social ideals and masculine virtues, and as embodying values that learnt on the playing fields will readily transfer into everyday life' (Lines, 2001, p. 285).

In other words, they have been traditionally seen as role models for young fans. They are expected to set an example by their behaviour both on, and in the context of this thesis, off the playing field. Lines (2001, p. 289) saw the sporting hero as embodying valued masculine

characteristics, such as being strong, brave, tough, and powerful, all of which are evident in sport.

Brown and Fraser (2002) suggested the modern role-modelling of celebrities was a concern. Differentiating them from heroes, they noted that achieving celebrity status required no acts of courage, sacrificial deeds, or moral integrity.

Whereas heroes are known for great acts of courage or outstanding accomplishments requiring tremendous skill and fortitude, celebrities are known for their popularity. Heroes are pushed into the public spotlight, but celebrities push themselves into the public spotlight (Brown & Fraser, 2002, p. 3).

Whannel (2002) agreed, suggesting that what sport produced were not heroes, but stars, but added that 'in popular discourse, notions of hero and star, celebrity and personality are often confused and any notional boundaries between them blurred' (2002, p. 40).

One of the doyens of sports reporting and television commentary in Australia, the *Nine Network's* Ken Sutcliffe, believes sports stars are role models:

(I)f you are an elite sports star, reaping the financial benefits and other opportunities that your ability has provided, it is a given – you *are* [his italics] a role model; it comes with the territory. And if you don't accept that and conduct your life accordingly, you may well damage both the game you play and yourself (Sutcliffe & Heads, 2009, p. 237).

The opposing view is characterised by the plea, 'I am not a role model,' as the American basketball great Charles Barkley announced in a 1993 Nike advertisement. 'I am not paid to be a role model. I am paid to wreak havoc on the basketball court' said the sporting superstar (cited in Skidelsky, 2003). As mentioned in the opening chapter, respected sports columnist with *The Australian*, Patrick Smith, said sporting icons had no option but to be

role models. Their only choice was whether they were good ones or bad ones (P. Smith, 2005).

Sports psychologist Gavin Freeman (2008), who has worked with problem players from the National Rugby League and the Australian Rugby Union, debunked the suggestion that footballers were role models in the community (cited in C. Johnston, 2008). He said that they are simply athletes. 'They are no more a role model than a top CEO of a top company', he was quoted as saying (C. Johnston, 2008).

Staples (1994) writing in *The New York Times* more than a decade earlier would have agreed. He maintained that the term 'role model' was 'almost exclusively heard when some modern-day Icarus loses his wings and comes crashing back to earth, proved mortal in the end' (1994, p. 26).

Lines (2001, p. 300) said that the 'impeccable sporting hero' had become increasingly difficult to maintain 'in a media culture that thrives on scandal and sensationalism'. But that did not stop Lara Bingle, the Australian model and former fiancée of one of the nation's top cricketers (and one of the subjects of this thesis), Michael Clarke, suggesting the AFL holds their players up as 'role models in the community' when a former lover and top AFL player Brendan Fevola was accused of circulating a topless photo of the model having a shower. 'What message would they be sending if they condoned this sort of behaviour?' she asked (Cited in G. Robinson, 2010).

The day before Bingle made her comments, former New Zealand cricket captain, then international match referee, John Reid, had labelled some members of the touring Australian team as 'idiots' for their on-field behaviour, and hanging on to the ideal that they were still role models noted: 'Like it or not, these guys are role models for youngsters. It's an old-fashioned term, but it's a fact' (Cited in Swanton, 2010b).

Senior Australian journalist David Penberthy (2010) used another of the five cricketers involved in this research, Shane Warne, to discuss the concept of role models in the wake of the resignation of a former New South Wales police minister in 2010:

Weirdly, it's sports stars who seem to be totally unprotected from any kind of public scrutiny, despite the fact that they pass no laws, impose no taxes, have absolutely no direct bearing on our day-to-day life apart from, quite unlike politicians, providing us with genuine moments of escapist joy with their prowess on the sports field (Penberthy, 2010).

While making passing mention of one of Warne's then-latest indiscretions, cavorting in his underwear with two girls captured on film by *The News of the World*, Penberthy suggested that if parents wanted moral advice for their children they were probably better off with Bertrand Russell than the Australian leg-spinner. He described the cricket authorities' view that Warne should be a role model as 'absurd' (Penberthy, 2010).

The former Australian federal Treasurer, and for many years the number one ticket-holder at the Essendon AFL club, Peter Costello, launched an attack on the culture of that football code claiming 'any right-thinking parent would quake with fear' to learn footballers were attending their daughter's school to 'give guidance on life skills' (Gleeson, 2011). The former Treasurer's comments came after a scandal involving a schoolgirl who said she had sex with two St Kilda (another AFL club in Melbourne) footballers and later released nude photos of other club players, including their highly-respected captain, on a social networking website. Costello used a newspaper column to suggest that week's Shane Warne scandal – the early stages of his relationship with British actress and model Liz Hurley – was publicity driven (Costello, 2011). But more relevant to this discussion about sports people as role models was his comment:

Footballers are not chosen for their moral principles. Then can run and catch a ball.

What are the clubs thinking when they send them to schools to give guidance on life skills? (Costello, 2011).

A survey of British adults in late 2009 found that despite various off-field scandals, soccer star David Beckham was still considered a top role model ("David Beckham best role model for children: poll," 2009). Beckham was once quoted as saying: 'I have come to accept that if I have a new haircut it is front-page news' ("The beautiful game?," 2006).

An indication of what the Australian public thinks is gained from a 2008 Roy Morgan survey of approximately 50,000 Australians that found 83 percent of respondents viewed the current Australian cricket team as 'good role models for children' even though the team was often criticised for aggressive play and sledging (Pandaram, 2008).

A year later, the Sweeney survey, which determines the popularity, and therefore dollar value to sponsors, of Australia's top athletes, rated then Australian cricket captain Ricky Ponting as the nation's most popular athlete for the third year running (R. Wilson, 2009).

Respected sports writer and commentator Rebecca Wilson pointed out that the men filling the next four places in the popularity list – Grant Hackett, Adam Gilchrist, Glenn McGrath and Pat Rafter – were all retired, and 'each of these men has qualities all Australians still hold dear to their hearts' (R. Wilson, 2009).

The literature on sports people as role models demonstrates that with achievement comes fame, and with fame the interest of the public – interest in everything about them. That includes details of their private life they would prefer was not given an airing in the mass media – a main thrust of this thesis.

### ***The Tall Poppy syndrome:***

A concept that deserves consideration in the context of sporting celebrities and their often inevitable fall is the 'tall poppy syndrome'. For Australian psychologist Norman Feather (1996) the phrase 'tall poppy' is simply synonymous with the term 'high achiever' (p. 216) and that status brings with it the responsibility of behaving 'in a way that conforms to the superior role' (p. 227).

Bert Peeters saw it differently:

But for those who suffer from Tall Poppy Syndrome, other people's achievements are an affront, an intolerable reminder of their own shortcomings. These are the people who desperately search for dirt to sling at celebrities to show that they aren't so good after all – and who rush to join any witch hunt (2004, p. 75).

Journalism and public relations academic Jane Johnston (2007) included stories about 'tall poppies' (2007, p. 46) as a news value alongside some of the traditional values like impact, conflict, timeliness, proximity, prominence, human interest and novelty (Galtung & Ruge, 1965).

It is a term often used by sportspeople to describe the attitude of the public and / or the media towards them when they feel they are being unjustly targeted. Atlanta Olympic silver medallist, Australian swimmer Scott Miller used the term to describe the unwanted media attention after 'a night on the town' led to his being dropped from the national swimming team in 1997 (Magnay, 2002). Then coach of swimming superstar Ian Thorpe, Doug Frost, used it to describe how he felt about attacks on his charge over his sexuality (McClure, 2001). Former fiery AFL player Peter 'Spider' Everitt (2004) took the nation to task in an opinion piece for the *Hobart Mercury*:

What is wrong with Australians? I think we suffer from a heavy dose of TPS – “Tall Poppy Syndrome”. Why is it when someone makes the “big time” we try to drag them down?’ (Everitt, 2004).

Others came to the defence of Warne, one of the central figures in this research, at various stages of his career. According to one leading Australian sports writer, Malcolm Knox (2003), dark forces were at work in the relentless harassment of hapless ‘Saint Shane’. The opening paragraph set the tone of his *Sydney Morning Herald* opinion piece:

Lay off Shane, you mongrels. I don’t know what he’s done to deserve this. Probably it’s just jealousy. Tall Poppy Syndrome. But, fair’s fair, you hyenas, you jackals, you reptiles you’ve had your fun, now leave the poor guy alone’ (Knox, 2003).

There is further discussion of the media coverage of Warne in chapter 9. Suffice to say Knox was obviously on the spin bowler’s side even if some of his comments seem decidedly tongue-in-cheek. He would be a sufferer of what journalist, author and former Wallaby (an Australian rugby union team member), Peter Fitzsimons (2002) called the ‘Guardian Ivy Complex’:

‘(A)s soon as anyone takes a shot at a Tall Poppy, myriad Guardians will start swarming to the Poppy’s defence, wrapping themselves around the trunk of the Poppy so as to take the evil blows themselves. You can call them old-fashioned if you like, but they just want to see the Poppies get a fair go!’ (Fitzsimons, 2002).

Another more-recent member of that defence group is *Sunday Mail* (Qld) columnist Terry Sweetman (2010). Writing under the headline ‘Punishment doesn’t fit tall poppies’ crime’, he suggested that rugby league icon Allan Langer was harshly treated in the wake of his drink-driving arrest in March, 2010: ‘He will front the court and pay the price, but why is everyone else lining up to have a pound of his flesh?’ (Sweetman, 2010).

Peeters (2004) observed that few Australian sportsmen ever reach the pinnacle of their careers with their reputations untainted and enjoying popularity transcending all barriers of age and sex. But for one that does, 'women love him, men admire him and every parent wants their daughter to bring home a young man just like him' (2004, p. 78). Of relevance to this thesis, Peeters said one of the very few Australian sportsmen to reach that pinnacle with their reputations intact was Sir Donald Bradman. Right-wing commentator Gerard Henderson (2001) writing earlier, agreed: The late Don Bradman is perhaps the only Australian tall poppy who was never cut down, even if his personality was criticised by fellow cricketer Bill O'Rielly (2001).

While sports fans relish the success of their teams or individual players, they are also ready to tear them down, as rising Australian tennis star Bernard Tomic found when he criticised Australian Open organisers in early 2010 for timetabling his match way past his bedtime. An editorial writer for *The Weekend Bulletin* on Queensland's Gold Coast ("Editorial: You can't knock Tomic's passion," 2010) suggested a reason why so many attacked the young tennis player for his outburst:

If there is one thing Australia likes to do to its stars more than putting them on a pedestal it is to cut them back down to size again ("Editorial: You can't knock Tomic's passion," 2010, p. 55).

Julianne Schultz had put it another way:

'As impatient as any addict, the audience taps its toes, watching and waiting for the inevitable fall, for the trail of smoke to replace the flaming phosphorous' (Schultz, 2004, pp. 8 -9).

All five cricketers researched for this thesis qualified as 'tall poppies' of their respective eras which was a prime reason they received such close attention by the media, leading at times

to the invasion of their privacy, and why they were chosen as the subjects of the case studies in this thesis.

***Sporting personalities behaving badly:***

While this thesis focusses on five iconic Australian cricketers, many other sporting celebrities have attracted media attention for their off-field behaviour. Barely a day, certainly not a week, goes by nowadays without another off-field scandal involving a national or international sporting celebrity.

Peter Kell (2005) maintained that 'bad boys' with image problems are part of a world-wide trend in sport in the 21<sup>st</sup> century. He suggested one of the reasons their off-field behaviour gets so much media attention is that the 'sideshows of the lives of the celebrity sports stars are more exciting than some of the sanitised and programmed sports that fans have to endure' (Kell, 2005).

For example, 2009 was forgettable for a number of sports. The star of the National Rugby League's pre-season TV campaign, Brett Stewart, had too much to drink at his club's season launch, and after an incident following the launch was committed to stand trial for sexual assault, a charge of which he was acquitted more than 18 months later (Drummond, 2010).

A former NRL icon turned comedian and sports commentator, Matthew Johns, admitted being involved in a group sex scandal involving members of one of his former teams, and was stood down indefinitely from the *Nine Network* in May, 2009. He would return to TV screens the following year on an opposition network (Tucker-Evans, 2010). Olympic kayaker Nathan Baggaley was sentenced to nine years' jail for drug dealing (Ja & Morello, 2009), while Olympic track star Jana Pitman (nee Rawlinson) made the news for having, in her own words, 'a boob job' (O'Neill, 2009). Michael Phelps, who won eight gold medals at the 2008 Beijing Olympics, was suspended from competition for three months and dumped by a

major sponsor, after a photo surfaced showing him with a marijuana pipe ("Phelps suspended by USA Swimming, dumped by Kellogg's," 2009). Tennis great Andre Agassi admitted drug use ("Agassi admits using drugs during career," 2009). However, that was minor compared to the aforementioned sex scandal that broke around the world's most recognised sporting superstar, golfer Tiger Woods, late in 2009. Revelations went on for weeks as mistress after mistress told her salacious story to the media. Just when the NRL thought they had survived the start of the 2010 season with minimal damage to their image, the Brisbane Broncos were beaten and their skills coach, one of the legends of the game, Allan 'Alfie' Langer, drank too much at a local hotel after the game and when stopped for a random breath test in the early hours of the next morning tested three times the legal limit (mentioned above in the context of the Tall Poppy Syndrome). But the embarrassment did not stop there. Mobile phone footage emerged (and was shown widely on TV) showing Langer dancing on a table at the hotel wearing only his underpants ("Alf's brief apology," 2010). He was fined \$1,000 and lost his driving licence for eight months ("I did drive drunk, Allan Langer admits," 2010).

Scandals involving celebrities, including sporting celebrities, sell papers and lift TV and radio ratings, so mainstream media, particularly those towards the tabloid end of the spectrum, will chase them, and often pay for 'kiss-and-tell' revelations.

Those examples of sporting icons drawing unwanted media attention have been included to show that it is not only cricketers who can bring sport into disrepute. The researcher chose to research the coverage of the nominated five cricketers, but could have chosen case studies of Australian stars from other sports. The researcher chose to highlight the private lives of five famous cricketers because cricket has long been seen as 'the gentleman's game' above the rough-and-tumble associated with some sports. The term 'it's just not cricket'

has always meant something that it is unacceptable. It was the phrase used by the Indonesian Foreign Minister, Marty Natalegawa, in late 2013 to describe the alleged actions of the Australian government in spying on his country and its leaders (A. Henderson & Roberts, 2013). It is as though cricketers are expected to exhibit a higher level of behavior than those associated with other sports.

### ***Cricketers' and commentators' views about invasion of privacy***

Sports stars and media commentators have written books about lives spent in the limelight. It is a popular publishing genre. Many of these sporting icons and commentators recount their views on the mainstream media's propensity for invading the privacy of individual sporting icons. A relatively-recent retiree, barrel-chested Australian opening bat Matthew Hayden, a contemporary of two of the cricketers in this study, Warne and Clarke, noted in his autobiography (2010) that he played through three modern eras of cricket – barely professional, semi-professional and professional. He added that in the early '90s the players and the journalists knew each other well (2010, pp. 308 - 309), but that had since changed: 'In the current era, players sit on one side of a table at press conferences, journalists sit on the other, and they don't really get to know one another' (2010, p. 310). He goes on to suggest that media coverage has become far more sensational and personal than earlier in his career.

Relationships are big news, where once they were private business. It sometimes seems the cricket is the last rather than the first thing that matters (Hayden, 2010, p. 310).

Long-time sports reporter and television commentator for the *Nine Network*, Ken Sutcliffe, has a similar view – 'Just because someone is a good footballer or "a good bloke" doesn't mean he can do unacceptable things and expect to walk away from them' (Sutcliffe &

Heads, 2009, p. 242). In today's world with what he calls 'the media's adolescent fixation on "celebrity"', Sutcliffe said the absolute certainty is that every such incident will be given wide media coverage (2009, p. 242). Sutcliffe had his own take on the sporting personality wanting privacy:

Well, do you really expect a job that pays four or five hundred thousand dollars a season to be without any scrutiny? Hullo! Get over it, you're not living in fairytale-land, are you? It's when the media stops paying attention to you that you should start to worry (Sutcliffe & Heads, 2009, p. 265).

Another compatriot of Warne and Clarke, Andrew 'Roy' Symonds, who has created his share of off-field headlines, commented during the later stages of his international career (2008) that players had become 'a lot more wary when out in public' fearing what he called the 'trapparazzi' (2008, p. 31):

I really don't like people taking pictures of me in a pub any more, even if they are just getting a happy snap for themselves. The potential for abuse has grown enormously over the past few years (Symonds & Gray, 2008, p. 31).

Glenn McGrath, who bowled 'from the other end' for many of the years that Warne spun his craft around the cricketing world, found it easier, after his first wife's initial breast cancer diagnosis, to farewell her at their home before his regular overseas cricket tours:

Jane had stopped going to the airport long before because their emotional farewells had become fodder for the prying lenses of television cameras to show on the evening news and for newspaper snappers commissioned to fill space in the morning papers (McGrath & Lane, 2009, p. 325).

Another fast bowler of Warne's and Clarke's eras, Brett Lee (2011), wasted little time in his autobiography before attacking the media, in particular photographers. The opening

sentences on page one recounted an incident on Christmas Day, 2009, when he was 'stalked' for photographs with his son, Preston. A neighbour knocked on his door to tell him someone with a camera was trying to jump over his back fence (Lee & Knight, 2011, pp. 1 - 2). He called police and they banned the photographer from the area for 24 hours, but Lee said it made him realise: 'I didn't lead an ordinary life' (Lee & Knight, 2011, p. 2). When the neighbour, a young girl he'd never met, first knocked on the door he was cautious. He thought it was a set-up – a photo opportunity that would lead to a gossip story on 'Brett Lee's mystery female' (Lee & Knight, 2011, p. 1).

Many books have been written about the five cricketing subjects of this research – a number by their contemporaries. Most of the content is about the cricketing prowess of the respective players. Few venture comments on the private lives of their compatriots; that is mainly left to biographers. But those who do offer comments about the 'cricketing mates' will be mentioned in the case studies on the respective players beginning in chapter 6.

***Summary:***

This first section of the Literature Review has examined several key areas that are fundamental to the contention that major figures in sport are celebrities, role models and subject to the 'tall poppy syndrome'. It has established that:

- The modern media is fascinated with celebrities including sporting celebrities.
- The history of the development of the Australian national identity highlights the important role sport played in that development.
- Without today's saturation media coverage of celebrities, the phenomenon of the sports celebrity would not exist.

- Sporting icons are legitimate celebrities in the eyes of the media (and the public) and are considered role models for young people to emulate – a role some sports stars would prefer did not exist.
- An examination of the ‘Tall Poppy syndrome’, and its application to sporting personalities, showed that not only did the public (and the media) see leading sporting personalities as ‘tall poppies’, they wanted to know any time they happened to ‘fall from grace’.
- Cricketers and sports commentators have differing views on how the private lives of sporting personalities should be covered. The commentators felt it went with the territory, whereas the sporting personalities recounted their efforts to evade the media’s glare.

The second section of the Literature Review takes up the issues associated with the privacy debate, what the various codes and charters of ethics say on the subject, the impact of social media and the Internet, and looks at privacy from a legal perspective.

## Chapter 3:

### Literature Review – Privacy and Codes of Ethics

#### ***Introduction:***

The second section of the Literature Review focusses on the ethical and legal aspects of the privacy debate.

#### ***The Public Interest versus the Invasion of Privacy ethical debate:***

One of the major tensions in journalism, if not **the** major one, is between the right to privacy of the individual, and the right of the public to be made aware of events, activities or issues.

This issue is important in the context of the thesis research questions which centre on newspaper coverage of sporting personalities' off-field behaviour, whether it has changed over the past 65 years, and if so, why. As has been shown in several sections in the previous chapter, it is the public's interest in anything to do with particular sporting icons that leads the media to cater to that interest and in so doing often invade their privacy and that of his or her family. A central question is the distinction between *what is in the public interest* and *what the public is interested in*.

Morrison and Svennevig's extensive research (2007) included the comment:

The defences offered for the intrusion of privacy almost invariably included the statement that to intrude into the private lives of individuals was legitimate if to do so was in the public interest (2007, p. 45).

Morrison and Svennevig's research focussed on journalists and members of the British public and showed that there was 'clear confusion for some people between the more

abstract concept of the public interest as a form of public good and the specific interests of members of the public, either en masse or as individuals' (2007, p. 55).

It had been considered in Australian cases involving privacy issues that:

(A) distinction must be drawn between matters that ought to be disclosed in the public interest and those which are merely of interest to the public. The matter must be objectively serious and not simply interesting but unimportant gossip or rumour, however titillating to readers (Macarthur, 1997, p. 21).

A seminal work on 'Privacy and the Media' in Australia was the 1999 report by Chadwick and Mullaly. More will be said about their work in the next chapter as it forms one of the central theoretical pillars on which this thesis is structured. They introduced the concept of 'fame by achievement', the sub-section of fame or celebrity that includes sporting icons (1997, p. 5). They noted that privacy (and media intrusion) arise in the context of fame. Media coverage makes a person famous. 'Privacy is exchanged for fame, or lost because of it' (Chadwick & Mullaly, 1997, p. 5).

Pearson (2005) moved the discussion forward when he proposed a 'privacy mandala' for newsrooms to use in making ethical decisions. He suggested that the key factors for the media to weigh up when considering a privacy intrusion should be the nature of the private material, the means of intrusion, the fame of the individual (an adaptation of Chadwick and Mullaly's categories of fame), and the damage that might be caused (Pearson, 2005, p. 17).

Mendelson (2005) extended this line of argument when he said that celebrities give up their right to privacy when they choose to become a public figure (2005, p. 1). He noted that celebrities are usually quite willing to talk on TV chat shows about aspects of their private lives, but still complain about the coverage they receive:

(G)iven that celebrities are willing to present these “private” aspects of their lives, privacy cannot be the root of the problem. Rather it is the control of these moments that is at issue. Privacy is raised as an issue only when celebrities are not in control of the “private” image that is portrayed (Mendelson, 2005, p. 7).

As has been noted earlier, Nalapat and Parker (2005) said unwanted publicity goes with the territory:

Whether sporting celebrities are famous because of their athletic prowess and talent or simply “known for their well-knownness”, both we and they have come to accept (and, indeed, expect) the intrusive strategies of the world’s media (2005, p. 441).

An earlier Morrison and Svennevig (2002) research monograph, *The Public Interest, the Media and Privacy*, chronicles the attitudes of journalists and the British public to privacy and its invasion by the media. The authors noted that the idea of privacy had changed over time in a similar way to that of ideas of taste and decency and that the development of a ‘surveillance society’ had loosened expectations of privacy (p. 3). The general public believes that an individual’s privacy can be intruded upon, and in extreme cases should be, in the name of the greater good (p. 4). The researchers concluded that accuracy and privacy were not unrelated. They felt that accuracy was a defence for the intrusion on privacy, or if one intruded into privacy, one better be accurate, that whatever misdeed was being investigated had to have taken place.

Morrison and Svennevig concluded that the British public felt they had a right to know about things which might affect them, but equally, the right to privacy was seen as a basic moral right. Linked to privacy were agreed limits to intrusion by the media (2002, p. 82).

Two-thirds of those surveyed either agreed (39%) or strongly agreed (27%) that ‘the media should always respect people’s privacy, even if this means not being able to cover an issue

fully' (p. 89). However, 80% either agreed (61%) or strongly agreed (19%) that 'if some people want to be celebrities, they have to accept some intrusion into their personal lives' (p. 89).

Not surprisingly, the research also showed that there was no support among media professionals for legal intervention in deciding 'the public interest' (2002, p. 1).

Not all journalists were in favour of the scope of invasions of privacy perpetrated by the tabloid media. Discussing the tactics of *The News of the World*, Peter Preston from *The Guardian* (2008) predicted the reaction of British journalists:

They wrinkle up their noses and condemn the celebrity intrusions. Is the world a better place for constant tales featuring girls who've slept with footballers and pop singers and want to collect some money at the end? (2008, p. 56).

Preston (2008) said privacy was becoming 'a weird shield against stories you'd normally expect to see in print' (p. 55) and came at a price:

The more the rich and famous can declare whole areas of their lives off-limits, the more the public's right to be informed diminishes (Preston, 2008, p. 56).

While the controversy surrounding the part the paparazzi played in the death of Princess Diana in 1997 was a watershed in the celebrity privacy debate, another royal invasion of privacy in the United Kingdom in late 2005 fuelled public anger over the activities of the tabloid media. The defunct Murdoch Sunday tabloid *News of the World* published what amounted to trivial gossip about Prince William seeking help editing some footage he had collected during his gap year (between high school and university) while camped in the jungles of Belize (Mariah Blake, 2007, p. 18). The paper's royal editor, Clive Goodman, and a private investigator were accused of hacking into the voicemail of top royal aides more than 600 times and others, including Australian supermodel, Elle MacPherson.

Those revelations quickly mushroomed into a national scandal that would stretch over months and stir a deep reservoir of public outrage over the excesses of the tabloids (Mariah Blake, 2007, p. 18).

*The Guardian* newspaper would pursue the phone hacking story for the rest of the decade, leading eventually to their revelations in July, 2011, of the hacking of the phone of missing schoolgirl Milly Dowler that would precipitate the so-called *News of the World* phone hacking scandal. Revelations about phone-hacking at the highest-selling newspaper in Britain led to its closure, and a special sitting of the House of Commons Culture, Media and Sport Committee ("News International and Phone-hacking," 2012) at which Rupert Murdoch would appear and describe it as the 'most humble day of my life' (Wintour, 2011). There would be large numbers of arrests, huge pay-outs to those who had their phones hacked by Murdoch's London papers, and the so-called Leveson Inquiry (An Inquiry into the Culture, Practices and Ethics of the [British] Press) (Leveson, 2012). Senior staff of the paper would be on trial over the scandal as this thesis was being finalised. The original fallout extended to Australia where the federal government established the Independent Inquiry into the media and media regulation (Finkelstein & Ricketson, 2012), the report from which was included in the larger Convergence Review (Boreham et al., 2012), and another inquiry to look into introducing a tort for Serious Invasions of Privacy ("A Commonwealth Statutory Cause of Action for Serious Invasion of Privacy," 2011). The privacy tort was to be along the lines of that suggested previously by the New South Wales Law Reform Commission (*Invasion of Privacy*, 2009). In the wake of a failed attempt to introduce a new Australian regime of media regulation in early 2013, the Labor federal government referred the privacy tort issue back to the Australian Law Reform Commission, which is due to report in mid-2014, after this thesis is presented for assessment.

Back in 2005 though, many journalists feared that efforts to rein in gossip mongering could hamper the legitimate reporting on public figures. The tabloids looked like ‘poisoning the well’ for all journalists. Some journalists did not think some celebrities, even Tiger Woods, deserved the extensive gossip coverage. *The Chicago Tribune’s* Eric Zorn lamented at the start of the Woods revelations:

Most celebrity news/gossip is none of our business, even though the expression “none of your business” seems quaintly out of date. Sure many of us want to know what precipitated the weird, low-speed crash outside Tiger Woods’ home. In this case, for him, “none of your business” is a defensible answer, and, under the circumstances, probably exactly the way to go (quoted in Farris, 2009).

A decade earlier, in a seminal work debating ‘how far the paparazzi should be allowed to go’ [in the wake of the then-recent death of Princess Diana], Nordhaus (1999) concluded that ‘Media attention to celebrities has resulted in a complete loss of privacy concerning both private and public issues for many celebrities’ (1999, p. 286). He blamed the public for the unwanted intrusions: ‘The public encourages this intrusion into the lives of celebrities by their obsession with every bit of gossip that comes their way’ (Nordhaus, 1999, p. 286). Equally he laid some of the blame at the feet of the celebrities themselves. By cultivating their positions in the public spotlight, they generated continued interest in their activities. The public begins to feel as if they “know” the individual and are thus entitled to be privy to their private lives (Nordhaus, 1999, p. 290).

The annual Australian survey by research group *Roy Morgan* consistently shows that print and broadcast journalists are among the professions considered least ethical and honest by the public (2013). In 2013, nurses topped the survey for the 19<sup>th</sup> successive year (every year since they were introduced into the survey), with 90% of those surveyed considering them

honest and ethical ("Roy Morgan Image of Professions Survey: 2013," 2013). Only 18% of TV journalists were considered honest and ethical, and newspaper journalists were only one percentage point higher, meaning less than one in five Australians believed mainstream media journalists were honest and ethical ("Roy Morgan Image of Professions Survey: 2013," 2013). Since the turn of the century, TV journalists have consistently been in the mid to high teens, while newspaper journalists had been hovering around 14%, sinking as low as 7% in 2000 (Hirst and Patching, 2007, p. xii).

The literature in this area strongly suggests that the public believe they have a 'right to know' about the private lives of their favourite sporting celebrities but not all those in the media agree, although many still write about celebrities' private lives.

#### ***Privacy in codes of ethics and charters of editorial independence***

Australian journalists who are members of their union, the Media, Entertainment and Arts Alliance (MEAA), are expected to work within the bounds of the union's Code of Ethics ("MEAA Code of Ethics," 1999). Acknowledging that respect for truth and the public's right to know are fundamental principles of journalism, the Code in its opening statement commits members to 'respect for the rights of others'. As far as this thesis is concerned, the relevant section is the second-last of the 12-clause Code:

Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude ("MEAA Code of Ethics," 1999).

The guidance clause at the end of the Code does, however, allow some flexibility in the application of the various clauses:

Only substantial advancement of the public interest or risk of substantial harm to people allows any standard to be overridden ("MEAA Code of Ethics," 1999).

International codes have similar clauses. The Society of Professional Journalists in the United States, for instance, has a much longer document that includes the following privacy clause:

Recognise that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy ("SPJ Code of Ethics," 1996).

The ethics policy of the respected American masthead, *The New York Times*, expresses similar sentiments:

We do not inquire pointlessly into someone's private life ("The New York Times Company Policy on Ethics in Journalism," 2005).

The editorial code of *The Guardian*, the London daily whose revelations led to the *News of the World* scandal in 2011, demands respect for people's privacy and adds:

We should avoid intrusions into people's privacy unless there is a clear public interest in doing so. Caution should be exercised about reporting and publishing identifying details, such as street names and numbers, that may enable others to intrude on the privacy or safety of people who have become the subject of media coverage ("Guidelines: The Guardian's Editorial Code," 2007).

The UK Press Complaints Commission, expected to be replaced in the wake of the Leveson Inquiry, produced an Editor's Code of Practice that had been designed by the industry and was to take effect from 1 January 2012 ("Editors' Code of Practice," 2012). It said that Editors would be 'expected to justify intrusions into any individual's private life without consent'. It also declared that it is unacceptable to photograph individuals 'in private

places' without their consent ("Editors' Code of Practice," 2012). They define private places as public or private property where there is a reasonable expectation of privacy.

Australia's nearest neighbour, Papua New Guinea, has an extended Code of Ethics, which devotes a whole section to the issue of privacy. Two of the three clauses under that heading are of relevance to this research.

Clauses A and B note:

Publication of information about the private lives or concerns of individuals without their consent is acceptable only if the intrusion relates to legitimate public interest outweighing the normal right to privacy.

Prominence in public life does not disqualify individuals from the right to privacy about their legitimate personal affairs unless these matters affect their performance or fitness for the public role or office they seek or hold (*The Papua New Guinea Media Code of Ethics and Practice, 2001*).

The New Zealand Press Council takes a slightly different approach:

Everyone is normally entitled to privacy of person, space and personal information, and these rights should be respected by publications. Nevertheless the right to privacy should not interfere with publication of significant matters of public record or public interest ("Statement of Principles," 2011).

Pearson (2004a) noted a decade ago that the MEAA has all but given up on ethics complaints, referring them to the Australian Press Council, a group representing the media owners, journalists and the public. Early statements of principles by the Press Council paid only passing reference to privacy in the opening clause:

Newspaper readers are entitled to have news and comment presented to them honestly and fairly, and with respect for the privacy and sensibilities of individuals ("Australian Press Council Principles," 1994, pp. 272 - 273 Cited in Hurst and White).

The fourth clause in its 2009 Statement of Principles covers privacy more broadly:

News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such ("Statement of Principles," 2009).

The Press Council's 'Privacy Standards' document explains their position further:

Public figures necessarily sacrifice their right to privacy, where public scrutiny is in the public interest. However, public figures do not forfeit their right to privacy altogether. Intrusion into their right to privacy must be related to their public duties or activities ("Privacy Standards," 2009).

In Australia, the fallout from *News of the World* phone hacking scandal and the potential for a legal remedy against serious invasions of privacy saw responses from the regulatory arms of the media. The Press Council updated and re-issued its General Statement of Principles and privacy principles in August 2011, a month after *The Guardian* revelations that led to the closure of the London tabloid, but its position on privacy intrusion remained unchanged ("General Statement of Principles," 2011; Statement of Privacy Principles," 2011). As will be seen below, the broadcast regulator, the Australian Communications and Media Authority (ACMA), also updated its privacy policies around that time.

The Newspaper Publishers' Association, formerly the Pacific Area Newspaper Publishers' Association (PANPA) representing publishers in the Australia / Pacific region had released

their 'guiding principles' in September 2010 designed, they said, 'to encourage the highest standards of professional practice and integrity ("PANPA launches guiding principles," 2010). Like so many other standards documents, the only guiding principle dealing with privacy appears to be more concerned with people in times of grief and trauma, rather than the more general area of the invasion of an individual's privacy:

Give special consideration in relation to privacy to those in grief and trauma; as well as children and other vulnerable people ("Guiding Principles of the Newspaper Publishers' Association," 2010).

Unlike the self-regulating print media sector, broadcasting in Australia is governed by legislation (The Broadcasting Services Act 1992), and regulated by the Australian Communications and Media Authority (ACMA). All branches of the broadcast media, the *ABC*, *SBS* and commercial and public radio and television, and subscription TV sectors are required to have codes of practice which invariably contain reference to privacy. In 2005, the ACMA issued a 21-page document addressing privacy in news and current affairs programs (*Privacy Guidelines for Broadcasters*, 2005). It said that the use of private material without consent may be warranted if there is an identifiable public interest in the material being broadcast, but cautioned: 'Not all matters which interest the public are in the public interest' (*Privacy Guidelines for Broadcasters*, 2005, p. 3). Like the Press Council, it re-issued its guidelines on privacy in late 2011 ("Privacy guidelines for broadcasters," 2011) and expanded and clarified the information provided for the nation's broadcasters. For example, and of relevance in the context of this thesis, it expanded its definition of what constitutes a 'public figure':

Public figures such as politicians, celebrities, prominent sports and business people and those in public office do not forfeit their right to privacy in their private lives.

However, it is accepted that public figures will be open to a greater level of scrutiny of any matter that may affect the conduct of their public activities and duties ("Privacy guidelines for broadcasters," 2011, p. 5).

It also clarified what could be considered personal information that a person may wish to keep private:

Personal information can include facts about a person's health, personal relationships, financial affairs, sexual activities, and sexual preferences or practices. It can also include information about a person's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, criminal record and other sensitive personal matters ("Privacy guidelines for broadcasters," 2011, p. 3).

In summary, it says information 'need not be secret or confidential in order to be private' ("Privacy guidelines for broadcasters," 2011, p. 3).

Free TV Australia, which represents the free-to-air broadcasters, included in its Code of Practice:

In broadcasting news and current affairs programs, licensees: must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there is an identifiable public interest reason for the material to be broadcast (*Code of Practice*, 2010, p. 22).

Commercial Radio Australia, Free TV's radio equivalent, has an almost identical clause (*Codes of Practice and Guidelines*, 2010 clause 2.1 (d)).

The ABC covered privacy in both its Editorial Policies and Code of Practice. Under content standards in the superseded 2009 Editorial Policies, the ABC had said:

(A)s the public also has a right to information about public figures relevant to their public duties, intrusions upon privacy may, in some circumstances, be justified.

Investigative content is often concerned with activities or individuals which have an impact on other people. This may justify methods which could otherwise be seen as breaches of privacy (*ABC Editorial Policies*, 2009, p. 69).

Their 2008 Code of Practice contained a similar clause (*ABC Code of Practice*, 2008, p. 4).

The Managing Director of the ABC, Mark Scott, announced in February, 2010, that the Corporation were re-working its editorial policies with the aim of reducing the size of the then-current 170-page booklet (2010, p. 8).

The revised editorial policies ("Principles and Standards," 2011), now titled Principles and Standards, and the latest version of the Code ("Code of Practice," 2013) offer both principles and standards regarding privacy:

Principles:

Privacy is necessary to human dignity and every person reasonably expects that their privacy will be respected. But privacy is not absolute. The ABC seeks to balance the public interest in respect of privacy with the public interest in disclosure of information and freedom of expression ("Principles and Standards," 2011, p. 10).

Standards:

6.1 Intrusion into a person's private life without consent must be justified in the public interest and the extent of the intrusion must be limited to what is proportionate in the circumstances ("Code of Practice," 2013, p. 7)

SBS's Codes of Practice states that the rights of individuals to privacy should be respected in all their programs.

However, in order to provide information to the public which relates to a person's performance of public duties or about other matters of public interest, intrusions upon privacy may, in some circumstances, be justified (*SBS Codes of Practice* 2006, p. 9).

Individual media groups also have their own codes. The *Sydney Morning Herald* code, for instance, directs that:

Staff will strike a balance between the right of the public to information and the right of individuals to privacy. They will recognise that private individuals have a greater right to protect information about themselves than do public officials and others who hold or seek power, influence or attention (*The Sydney Morning Herald code of ethics*, 2003).

Its sister *Fairfax* publication in Melbourne, *The Age*, has a Code of Conduct which is more succinct:

People's privacy should be respected and intrusions on privacy should be published only if there is a public interest ("*The Age* Code of Conduct," 2002).

The Murdoch Melbourne tabloid *Herald Sun's* Code of Conduct indicated everyone has a right to privacy, but includes an important caveat:

All individuals, including public figures, have a right to privacy. Journalists have no general right to report the private behaviour of public figures unless public interest issues arise ("*Editorial Code of Conduct*," 2011).

During the Finkelstein Inquiry that would recommend a News Media Council be established to regulate all forms of media in Australia (Finkelstein & Ricketson, 2012, p. 8), the *Internet-delivered* media outlet *Crikey*, introduced their own Code of Conduct (S. Black, 2011). They

included the aforementioned clause 11 of the MEAA Code in their Code ("Private Media Code of Conduct," 2011).

All the various codes of ethics and practice have in common privacy clauses that would provide little comfort to sporting celebrities. All have 'wriggle room' to allow journalists to justify intrusions into the private lives of celebrities under the umbrella of 'the public interest'.

The MEAA complaints procedures ("Code of Ethics: Complaints Procedures," n.d.) has as its highest sanction expulsion from the union, but as mentioned earlier few cases have been referred to it in recent years (Pearson, 2004a).

Until recently, the Press Council would not hear a complaint which was subject to legal action ("How to make a Complaint," 2009), but had the sanction of requiring their adjudications to be published by the newspaper or magazine complained about ("Australian Press Council: Guidelines on complaints procedure," 2009). Faced with the possible implementation of the findings of the Finkelstein Inquiry, the Press Council changed its policy so that complainants would no longer have to waive the right to sue publishers if they wanted their complaints heard (Tarr, 2012). The *ABC* and *SBS* handle complaints about their programming, and ACMA will only accept complaints about commercial broadcasters that have first been referred to the particular station and the complainant has either not had a response within 60 days or has not been satisfied with the response ("Make a report or complaint," n.d.). They have a range of sanctions at their disposal.

An understanding of what the MEAA Code of Ethics and the various Charters of Editorial Independence and Australian government regulators say about an individual's privacy and the evolution of these codes and policies is important in discussing the public's and media's

attitude towards sporting icons at the time of the various incidents researched in chapters 6 to 10.

***Privacy and the law:***

While this thesis is primarily concerned with the ethical considerations involved in the newspaper coverage of sporting personalities 'off the field', the legal aspects of privacy cannot be ignored.

**Australia** does not have a tort on Privacy to cover serious invasions of privacy by the media and at the time of writing this thesis (mid 2014) the Australian Law Reform Commission (ARLC) was re-visiting a proposal for such a law. However, a number of other western jurisdictions have adopted laws to safeguard the privacy of individuals from the unwanted attention of the media.

In the seminal case in Australia on common law privacy rights, *Australian Broadcasting Corporation v. Lenah Game Meats*, the High Court refrained from recognising a separate right to privacy, but left open the possibility of developing a new tort on Invasion of Privacy in a different fact scenario in the future ("*Australian Broadcasting Corporation v. Lenah Game Meats*," 2001).

There have been two cases where intermediate courts were prepared to find that a cause of action for invasion of privacy was part of Australian law. In the first, *Grosse v Purvis*, the Queensland District Court held that a tort of invasion of privacy did exist in the case of a former Sunshine Coast Mayor being stalked by a former lover ("*Grosse v Purvis*," 2003). In the second, the Victorian County Court in *Jane Doe v Australian Broadcasting Corporation & Ors* found that Doe's privacy had been unjustifiably invaded by the publication of personal information about her ("*Jane Doe v ABC & Ors*," 2006). The Victorian County Court ordered the ABC to pay more than \$230,000 to the woman whose name was reported as part of a

radio news item about the sentencing of her estranged husband, who was convicted of her rape (*Jane Doe v ABC: a new privacy action?*, 2007). The International law firm, Allens Arthur Robinson, suggested at the time that the decision may expose journalists, media organisations and other publishers to a new range of claims for breach of privacy (*Jane Doe v ABC: a new privacy action?*, 2007).

The Australian, New South Wales and Victorian Law Reform Commissions have all supported a privacy tort in recent years. The most recent ALRC report (*For Your Information: Australian Privacy Law and Practice*, 2008) recommended that Federal legislation provide a statutory cause of action for serious invasion of privacy, while acknowledging that media organisations had expressed concern about the development of such a cause of action (*Invasion of Privacy: Penalties and Remedies*, 2009, p. 103). It also offered some exemptions from the proposed legislation for journalists and the media. Suggested remedies included the award of aggravated (but not exemplary) damages, injunctions and orders for apologies and corrections (*Invasion of Privacy: Penalties and Remedies*, 2009, p. 103). The Federal Government announced soon after the release of that report that it would not be acting on the proposals in the near future (*Invasion of Privacy: Penalties and Remedies*, 2009, p. 104), but changed its mind in the wake of the *News of the World* scandal in mid-2011, announcing it would be looking at an Invasion of privacy tort along with establishing an inquiry into the Australian mass media, headed by retired judge Ray Finkelstein (2012).

The New South Wales Law Reform Commission report, on the other hand, suggested remedies in law (*Invasion of Privacy*, 2009), which were attacked by the Australian Press Council as being 'fatally flawed by imprecision' ("Balancing information and privacy," 2009, p. 6). The Press Council maintained that remedies for invasion of personal privacy already

existed in Australian law through the laws of trespass, harassment and similar legislation ("Balancing information and privacy," 2009, p. 6).

The Victorian Law Reform Commission report ("Surveillance in Public Places," 2010) recommended the introduction of two statutory causes of action for serious invasions of privacy – the misuse of private information and intrusion upon seclusion, similar as will be seen later, to two of the four causes in American privacy law ("Surveillance in Public Places," 2010, p. 159).

In his final address as Chief Justice of the High Court in 2008, Justice Murray Gleeson, suggested to the National Press Club in Canberra that the ground around privacy issues seemed to him to be shifting, and the courts and the government would have to address these shifts (Pearlman, 2008). The Special Minister of State at the time, John Faulkner, gave a lukewarm response to the former Chief Justice, saying a right to sue for invasion of privacy was 'not a priority' of the then-Labor government (Pearlman, 2008).

Former Australian Prime Minister Paul Keating (2010), who had argued with the media over many years trying to protect his family and business privacy, called for major privacy law reform in a speech at the University of Melbourne in 2010. He supported the case made by the various Law Reform Commission reports cited above which urged that the law should provide recourse 'in the event of an unwarranted serious breach of an individual's privacy' (Keating, 2010). He advocated harsh financial penalties against media who breach people's privacy.

Every day the media are out there insisting on ever higher performance standards in the community, urging the full force of the law be applied to transgressors, but not to themselves (Keating, 2010).

Simons (2010), in reviewing Keating's speech, noted that the media had not been helped 'by the number of own goals kicked by News Limited newspapers on privacy issues' (Simons, 2010). She cited as examples the publishing of the fake photos of former politician Pauline Hanson who was at the time attempting a political comeback, and the 'outing' of the New South Wales cabinet minister, David Campbell's private sex life (Simons, 2010).

As the breadth of the *News of the World* phone hacking scandal started to unfold in July, 2011, the then-Chief Executive of Murdoch's Australian papers, John Hartigan, condemned the British sister paper's actions as an 'affront to all of us who value the integrity and credibility of good journalism, the reputation of the company and our own reputations as professionals' (Hartigan, 2011). He added:

I know, and I believe everyone here at News Limited knows, that the events in the UK in no way reflect who we are, what we do and what we believe in as a media organisation (Hartigan, 2011).

The editorial in the nation's biggest-selling tabloid, Murdoch's *Herald Sun* in Melbourne was typical of the reaction in Australian newspapers:

As journalists we feel shamed and shocked that people who call themselves members of our craft have indulged in behaviour that has shattered the treasured bond of trust between a newspaper and the community it serves ("Editorial: A sad day for journalism," 2011).

Just as the scandal had led to British politicians speaking out about the power of the media in general, and the Murdoch press in particular, their Australian counterparts saw an opportunity to call the local News Corporation media to account.

Prime Minister Julia Gillard said she was 'shocked and disgusted' by the *News of the World* revelations and suggested the fallout from the British scandal would trigger a parliamentary

debate about the role of the media in Australia (J. Kelly, 2011). Former Greens leader Bob Brown, whose party has long been criticised by the Murdoch media in Australia, particularly by *The Australian*, demanded a full Senate or independent inquiry into media ownership and regulation in Australia ("Bob Brown takes aim at Murdoch media," 2011). Any suggestion of a review of the voluntary regulation of the Australian print media brought the expected reaction from the nation's newspaper executives. John Hartigan said an inquiry was 'totally unnecessary' adding he was 'hugely confident that there's no improper or unethical behaviour in our newsrooms' (Ryan & Kerr, 2011). *The Weekend Australian* labelled calls for media regulation 'opportunistic and dangerous' ("Editorial: Robust, vibrant media is vital for democracy," 2011). The Chief Executive of the Pacific Area Newspaper Publishers' Association at the time, Mark Hollands, suggested the industry needed to 'fight like hell' against any new regulation (2011). Former head of the Press Council (and the then Australian Broadcasting Authority), David Flint said 'the last thing we (Australians) need are more laws or inquiries' to limit the freedom of the press (2011).

*The Australian* hindered the proprietor's case when it published an incorrect story about the Prime Minister in late August, 2011 (Thompson, 2011), though the paper quickly apologised on their website. Within days the federal government had moved away from the suggested wide-ranging inquiry into print media ownership and regulation, instead putting an overhaul of privacy laws back onto the political agenda. The government was later to institute the Finkelstein Inquiry into the print media (2012).

It was the ALRC report (*For Your Information: Australian Privacy Law and Practice*, 2008) that the federal Minister for Privacy, Brendan O'Connor, used to announce an 'issues paper' ("A Commonwealth Statutory Cause of Action for Serious Invasion of Privacy," 2011) on legislative action to safeguard individuals' privacy (Franklin & Puddy, 2011) and invite

responses from interested parties. The government paper noted that some stakeholders argued that existing laws and industry codes adequately protected privacy in Australia, while what it termed a 'gap-filling' role of a statutory cause of action for the most serious privacy invasions had also been widely acknowledged ("A Commonwealth Statutory Cause of Action for Serious Invasion of Privacy," 2011, p. 23). Pearson (2012) agreed that existing laws and codes adequately covered the area and noted that there were very few situations where media intrusion into privacy was not covered by an existing law or the journalists' code of ethics (2012, p. 45).

Just as the media had attacked the idea of an ownership inquiry, they were equally vehement in their opposition to a proposed privacy tort that would give individuals redress in the courts for serious invasions of privacy. While Minister O'Connor maintained that his push for greater privacy protection would not, as he put it, 'muzzle the media' (Franklin & Puddy, 2011), the media saw it as 'more a barrier to honest and open communication than they would be a safeguard against malevolent intrusion' ("Editorial: Privacy bid just a distraction from carbon tax fiasco," 2011). A lawyer who has acted for News Corporation in Australia, Justin Quill, said tougher privacy laws would protect politicians and the rich and famous ("Push for tougher privacy protection," 2011). While attacking the privacy move as a 'great example of government opportunism and spin', long-time media commentator for *The Australian*, Mark Day, suggested a better approach would be to have the media work with the government to produce what he called 'a reasonable law, with robust mechanisms to allow for the full and proper protection of the public interest' (Day, 2011b). Keating renewed his attack on the print media's self-regulation calling it a joke and suggested that rather than have a right to appeal to a body funded by print organisations, the Australian Press Council, they should have a legal remedy (Keating, 2011). Another public figure who

had seen his privacy invaded by the media, the former High Court judge and advocate for stronger privacy laws, Michael Kirby, suggested that if statutory protections against serious invasion of privacy were not introduced in the wake of the British phone hacking scandal, 'it will never happen' (Grand, 2011). Kirby urged the minority Gillard government to 'bite the bullet' and finally introduce a privacy tort, a change he had first proposed in 1979 (Grand, 2011). The federal government introduced a series of media reforms in response to the Finkelstein Report (2012) and the Convergence Inquiry (Boreham et al., 2012; Conroy, 2013; Griffiths, 2013) to the hung Parliament in early 2013, but they were later withdrawn because of insufficient support from the independents who held the balance of power in the lower house (Swan, 2013). At the time the government initially announced their proposed reforms, they also announced that the privacy tort proposal would be referred back to the ALRC for 'detailed examination' (Conroy, 2013). Media law commentator Richard Ackland (2013) noted this would be the fourth reference to the Commission dealing with privacy. Previous inquiries were in 1979, 1983 and the aforementioned 2008 deliberations. Ackland said he was pessimistic for meaningful legislation coming from the latest ARLC report (due in mid-2014). He argued: 'If privacy is not exactly dead in the digital era it is certainly on life support' (Ackland, 2013).

Legal remedies for invasion of privacy had their genesis in the **United States** in the late 1800's. A Boston newspaper published a guest list of a high society dinner party hosted by the eminent American jurist Samuel D. Warren. Considering the article a gross invasion of privacy, Warren joined later-to-be Supreme Court Justice Louis D. Brandeis to articulate for the first time a right to privacy in a seminal *Harvard Law Review* paper titled *The Right to Privacy* (Warren & Brandeis, 1890).

In a comment that rings equally true of some of the mass media today, the jurists said:

The press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the recourse of the idle and or the vicious, but has become a trade, which is pursued with industry as well as effrontery (Warren & Brandeis, 1890, p. 2).

The U.S. right to privacy (or perhaps more correctly, the legal remedy for invasion of privacy) has been evolving over the past 120 years. Seventy years on from Warren and Brandeis, eminent legal scholar William Prosser documented how privacy as a legal concept had developed into four distinct torts allowing the aggrieved to seek damages (Prosser, 1960). These torts still exist as intrusion upon seclusion or solitude, or into private affairs; public disclosure of embarrassing private facts; publicity which places a person in a false light in the public eye; and appropriation of name or likeness (Prosser, 1960, p. 389). The area that affects the media most is the disclosure of private information. The media is liable under this tort if the material publicised would be considered highly offensive to a reasonable person and is not of legitimate concern to the public (Pember, 1993, p. 235)

A number of landmark cases followed in the latter half of the 20<sup>th</sup> century, most involving allegations of invasion of privacy where the media had published details like the names of rape victims, or young offenders, or incorrect information. Since the evolution of the US invasion of privacy law, courts have tended to side with the media, citing the overriding claims of the First Amendment rights of the U.S. Constitution, which guarantee, amongst other things, freedom of the press.

Intrusion by the media into the privacy of individuals, in most cases celebrities, has been on the rise in the past few decades. The 2009 – 2010 revelations about Tiger Woods' sex life were a prime example, but it was the media attention given to another beloved

international figure, Princess Diana, that may have contributed to her tragic death in Paris in 1997, that led to calls on both sides of the Atlantic to curb media excesses.

First Amendment lawyer Bruce Sanford (1999) put the case against the media in *Don't Shoot the Messenger*:

(T)he chase, the stakeouts, the ambushes, the interviews done with misplaced prosecutorial zeal, the crush of photographers and videographers “doing their job” are all ultimately self-defeating. They have given journalists the image of vultures (Sanford, 1999, p. 118).

The **United Kingdom** tightened its self-regulatory systems, including aspects of privacy, in the wake of the 1989 Calcutt Inquiry into the press, and a new Press Complaints Commission was established soon after. But it was the death of Princess Diana that saw court decisions moving towards a right to privacy (Pearson, 2005, p. 3). The year after the Princess's death the United Kingdom passed the *Human Rights Act*, which included the *European Convention on Human Rights Act*, including Article 8 (a right to privacy) and Article 10 (freedom of expression). While the British courts have held back on developing a new tort on privacy, they have instead been using the already-established breach of confidence to compensate people who believe their privacy has been invaded. In 2001 actors Michael Douglas and Catherine Zeta-Jones won an action against *Hello!* magazine for publishing unauthorised photographs of their wedding, and in 2004, supermodel Naomi Campbell also won against the London *Mirror* for publishing a photo of her leaving a drug addiction clinic (*Invasion of privacy (consultation paper 1)*, 2007). According to the University of Sydney Law School's David Rolph (2010), it has been sporting celebrities who have been the real drivers of the development of privacy protection in English law. Several relatively-recent cases involving actions for invasion of privacy have involved high profile British sporting

personalities and have demonstrated the complexity of the media / privacy issue. In mid-2008, as mentioned in chapter 1, formula one motor racing boss Max Mosely was awarded £60,000 in his invasion of privacy action against *The News of the World* which had falsely accused him of taking part in what it termed a 'sick Nazi orgy' (Holmwood & Fitzsimmons, 2008). In his judgment, Justice Eady said that Mosely had a 'reasonable expectation of privacy' in relation to his sexual activities no matter how 'unconventional' (Holmwood & Fitzsimmons, 2008). Lawyers and editors warned at the time that the decision signalled the end of newspaper investigations into the private lives of public figures ("Mosley's win 'a threat of press freedom'," 2008). A few months after the case was heard, Mosley argued in *The Guardian* for his privacy under the headline 'My sex life is of interest to no one but this squalid industry' referring to the tabloid media (2008). As mentioned earlier, Mosely took his case to the European Court of Human Rights arguing for a prior knowledge clause for pending stories requiring media organisations to forewarn celebrities (among others) that a story would be appearing about them, and thus giving them the opportunity to take legal action to prevent publication. He lost, but the Court said that the actions of the *NoW* were 'open to severe criticism' for publishing not only the print story, but also photographs and video obtained through covert recording 'which appears to have been included in the *News of the World's* coverage merely to titillate the public and increase the embarrassment of the applicant' [Mosely] (Sweney, 2011).

The editorial director of the *Guardian Media Group*, Peter Preston (2008), attacked the original Mosely decision, and other privacy cases at the time:

You can be a big celebrity name, it seems, you can be a world sporting figure, but what you do in the bedroom, however perverted, is your own affair and worthy of legal protection (Preston, 2008, p. 55).

A second case emerged in early 2010, when the British High Court overturned a so-called 'super-injunction' preventing the publication of details about the private life of then captain of the English soccer team, John Terry. A super-injunction prevents the media from even referring to the existence of an injunction. Lawyers for Terry had successfully applied for the High Court injunction after learning that a Sunday paper planned to write about the soccer star's private life (Tryhorn, 2010). The Judge ruled that the rumours about Terry were too widely known in the media, football circles and beyond, to be protected by law. He also said that privacy law did not exist to protect sponsorship deals ("News of the World wins court battle to report on John Terry 'affair'," 2010). The case had been rumoured to involve Terry trying to keep secret an affair with a team-mate's ex-girlfriend. Legal commentator, Carl Gardner, a British barrister who had worked as a government lawyer for 12 years, noted (2010) that when the media criticised legal privacy restrictions, claiming they were inhibiting freedom of speech, they were not talking about stories involving politics, corruption or public money. In an opinion piece for *The Guardian* he said:

On the contrary, they more often involve celebrity, sport and sex. But what's the public interest in exposing the sex life of a golfer, footballer or motor-sport administrator any more than yours and mine? None is the answer: the interest is overwhelmingly commercial (Gardner, 2010).

A third sport-related privacy case involved another high profile British soccer player, Ryan Giggs. He obtained a super-injunction to prevent mass media discussion of his affair with model and reality TV star Imogen Thomas (B. Keane, 2011). But the legal system couldn't control social media, and literally tens of thousands of messages on the micro-blogging site Twitter named him as the subject of the super-injunction ("The footballer, the Big Brother star and the gag order," 2011), leading the British Culture Secretary, Jeremy Hunt, to pledge

to investigate how the appropriate regulations could be improved ("Super-injunctions: web 'making mockery' of privacy laws," 2011). He said it was 'crazy' that super-injunctions barred newspapers from publishing information which was widely available on Twitter and other social networking sites ("Super-injunctions: web 'making mockery' of privacy laws," 2011). Eventually the mass media published Giggs' name after a British MP named him in Parliament ("MP and 75,000 Twitter users expose Ryan Giggs'," 2011).

The Justice Minister in the then newly-elected Conservative – Liberal Democrat coalition in the United Kingdom, Lord McNally said that the government was considering a new privacy law 'rather than allow judges to create one by stealth' (Meikle, 2010). Lord McNally said legislation was needed that 'clarifies, consolidates and removes some of the more dangerous aspects of the way case law [around privacy] has grown up' (Meikle, 2010). Ackland, in discussing the renewed move for an ALRC report on a privacy law in Australia, described the problem with social media in Britain:

(W)e've seen the farce of the court-imposed injunctions and super injunctions in privacy cases involving the romps and trysts of footballers and celebrities. Within a trice the salacious details are published in the open media while the heritage media has to sit on its hands (Ackland, 2013).

[In Australia, similar consideration is being given to measures to control social media sites (J. Johnston et al., 2013) in the wake of social media commentary on several high-profile trials, but that discussion is beyond the scope of this thesis].

About a month after the British Justice Minister's comments and in the middle of the continuing phone-hacking scandal revelations, there was a rare victory for the media, when another leading soccer player, Rio Ferdinand, lost a privacy action over a 'kiss-and-tell' story published by the *Sunday Mirror* (J. Robinson, 2011). Ferdinand had brought the case against

the paper following a 2010 article in which interior designer Carly Storey gave her account of their 13-year relationship in return for £16,000. The judge said: 'Overall, in my judgment, the balancing exercise favours the defendant's right of freedom of expression over the claimant's right to privacy' (J. Robinson, 2011). The *Sunday Mirror's* editor, Tina Weaver, said in a statement: 'The judge had found that there was a justified public interest in the off-pitch behaviour of the then England captain and discussion of his suitability for such an important and ambassadorial role representing the country' (J. Robinson, 2011)

The revelations associated with the *News of the World* phone hacking scandal saw the establishment of the 'Inquiry into the Culture, Practices and Ethics of the Press' that would recommend a new regulatory regime and approach towards the media's invasion of individuals' privacy in late 2012 (Leveson, 2012). At the time of writing (mid 2014) the British government and the media proprietors were still arguing over the form the new regulatory regime would take.

A tort for Invasion of Privacy was established in **New Zealand** in 2004 when the Court of Appeal heard the *Hosking & Hosking v Simon Runting & Anor* case. The Hoskings' were media personalities who had adopted twins and later separated. They requested privacy, but the mother was photographed walking the twins in a stroller. The court ruled that the situation did not fit its test for privacy invasion, but had developed the tort in order to rule against it in this case (Pearson, 2005, p. 6). The court also decided that in New Zealand, damages would be the primary remedy for an invasion of privacy, and that injunctions would only rarely be available (K. Evans, 2004). In other words, in the majority of cases, the person's privacy would have to have been invaded before they can pursue redress.

While an understanding of the legal situation regarding the media's invasion of individuals' privacy is important – particularly in the light of the Australian government's slow moves

towards a legal remedy for serious invasions – this thesis is concerned with the ethical issues associated with privacy invasion and the implications associated with the lack of law in the field. With the latest referral to the ARLC not due to report back to the government until mid-2014, it could be years before a tort on Serious Invasions of Privacy is introduced – if at all. This places extra emphasis on the individual journalist’s ethical considerations when it comes to issues of privacy invasion – a central thrust of this thesis.

### ***The impact of the Internet and social media***

The third research question of this thesis asks what influences the emerging technologies have had on the coverage of the private lives of sports celebrities. ‘The emerging technologies’ refer to the 24-hour news cycle, the Internet and social media, in particular Facebook and Twitter. This issue was one of the major areas taken up in the in-depth interviews with senior media personnel, journalism ethicists and the sporting personality–turned–commentator and covered in chapter 11 of the thesis.

While television news had been the news provider of choice for the public for most of the second half of the 20<sup>th</sup> century, *CNN* (Cable News Network) began the first 24-hour TV news channel in the United States on June 1, 1980 ("CNN launches," n.d.). The network would change forever the notion that news would only be broadcast on TV at fixed times during the day ("CNN launches," n.d.), with the biggest audiences for the early evening newscasts. Other 24-hour news stations were relatively slow to follow, but by the end of the first decade of the 21<sup>st</sup> century Australia had two such networks, the Pay-TV network *Sky News*, and *News 24*, provided by the national broadcaster, the *ABC*, and access to a number of other overseas services on subscription television. Round-the-clock news on TV and the Internet has given rise to the new, unwritten and oft-criticised mantra in the modern newsroom – ‘not wrong for long’ (Forde, 2012; Guthrie, 2013), meaning mistakes can be

quickly corrected. It is also part of the reason for 'churnalism', first articulated by Nick Davies, *The Guardian* reporter largely responsible for exposing the corrupt practices at *The News of the World* (2008, p. 59) referring to news releases published without much added. It is also taken to mean the fast turnaround on websites of stories from newsagencies like *Australian Associated Press* where the AAP story is posted on a number of major mainstream media websites with little or no editing by the host news organisation (J. Johnston & Forde, 2009). The advent of the insatiable appetites for content of Internet news sites, the failing business model of the mainstream media (see below) forcing reductions in staff have all contributed to 'churnalism' (Davies, 2008).

The Internet was not in existence at the time of the Bradman and Miller case studies (the 1940s and 50s respectively), was in its infancy and still the province of academics and the military at the time of the Greg Chappell incident (the late '80s), but was a part of everyday life at the time of the Warne (2000) and Clarke (2010) case studies (Leiner et al., n.d.). The Internet revolutionised the computer and communications world like no communications development in history (Leiner et al., n.d.).

The invention of the telegraph, telephone, radio and computer set the stage for this unprecedented integration of capabilities. The Internet is at once a world-wide broadcasting capability, a mechanism for information dissemination, and a medium for collaboration and interaction between individuals and their computers without regard for geographic location (Leiner et al., n.d.).

The mainstream print media all-too-readily accepted this new platform for their information products, establishing a presence online and offering their news for free in an attempt to draw more 'eyeballs' to their long-established print or broadcast products. At the time of writing this thesis, the print media were facing dwindling circulations as the so-called 'rivers

of gold' of classified advertising migrated online and were erecting pay-walls around their online offerings in an effort to make a profit from what they used to offer for free (Beecher, 2013). If the Internet was a game-changer for the long-standing newspaper business model, the arrival of social media sites such as Facebook and Twitter would rewrite the way news was gathered and disseminated. Anyone with a smart phone could become a citizen journalist and report on anything they saw or heard, if only to their Facebook friends or those that 'follow' them on Twitter. Soon social media would be challenging the established media for being 'first with the news' (Patching & Hirst, 2014, p. 201). Social media are defined as world-wide web-based services that allow individuals to build a public or semi-public profile within a system, 'talk' to other users in that system, and view their own and others' contributions to that system or network (Boyd & Ellison, 2007).

While many mainstream journalists 'tweet' regularly, not all see it as a new and credible form of journalism. Respected political journalist with *The Australian*, Christian Kerr (2013), describes social media as a 'distorting prism':

And because a certain breed of journalists believe that to remain relevant they must give whatever's trending on Twitter a run – regardless of its worth or relevance to the 90 per cent-plus of the population who have better things to do – their complaints become news (Kerr, 2013).

Sports celebrities, however, have embraced social media as a way of communicating with their fans without the intermediary of mainstream media. Michael Clarke tweets from time to time about team news, information about the various charities he supports and the activities of his sponsors. Shane Warne is far more prolific, often 'tweeting' 20 or 30 times a day, especially when commenting on current cricket matches, the work of his Foundation, his efforts as an international poker player, and all-too-often about his children and his

social life. While most of these tweets are harmless, reckless tweeting has caused major reputational damage to some sporting celebrities. Among those have been three-time Olympic swimming gold-medallist Stephanie Rice (Byrnes, 2010), her one-time boyfriend and rugby international Quade Cooper (Mulvenney, 2012), and Australian cricketer David Warner (Saltau, 2013). Rice called the South African rugby team (her boyfriend's opposition at the time) 'faggots', Cooper criticised the 'toxic environment' surrounding the Australian team and Warner criticised two noted Australian sporting journalists in a colourful series of tweets. One commentator suggested they were not the first, and would not be the last, to not realise the everlasting nature of the Internet – it never forgets (Tsudik, 2012).

The 24-hour news cycle, the Internet and social media have had, and continue to have, an impact on sports celebrities – some of their own doing – and how their private lives are reported, and is therefore a necessary area for discussion in this thesis.

***Other major academic theses in the area:***

In order to establish whether others have attempted the research questions envisaged in this thesis, the researcher interrogated the North American-based *Proquest* database of theses, the *Australian Digital Thesis (ADT)* program, supported by the Council of Australian University Libraries, and the *libraries Australia* database hosted by the National Library of Australia.

These searches revealed little had been attempted in the twin areas this thesis examines.

None mentioned Miller, Chappell, Warne or Clarke in their title. One mentioned Bradman (Hutchins, 2002a). It was titled *Bradman: Representation: Meaning and Australian Culture* and was followed by a book (Hutchins, 2002b) which is very similar in content to the thesis.

Reference to the thesis and book will be made in discussion of the case study on Bradman in chapter 5.

While some theses have looked at sports coverage in general, this was usually from the viewpoint of particular sporting events, like the winter Olympics, or from a gender comparison perspective. Only one investigated sports participants' off-field behaviour, but it focussed on the actions of teenagers, rather than sports celebrities. One Australian thesis did investigate attitudes towards what were termed 'tainted' and 'untainted' performers, but it was gauging public reactions to their actions rather than newspaper reports of those actions (Paccagnella, 1993). As discussed earlier in this chapter, two focussed on sporting celebrities and fame (Eliopoulos, 2009; Presnell, 2008) and another interviewed a range of celebrities, including sports people, on the personal cost of fame (Rockwell, 2004).

None of these incorporated the multi-method approach adopted in this ground-breaking research which includes separate case study chapters for each cricketing icon, plus in-depth interviews with experts which help explain the findings from the analysis of the coverage.

*In Proquest*, searching for 'sport and behaviour' provided 1,769 theses, but many were concerned with youth at school and compared success academically with athletic prowess, or compared the academic success of athletes and non-athletes. Other theses addressed issues like the influence of coaches, eating disorders, gender comparisons, cross-country comparisons of performance, drinking, drug use and self-esteem. 'Sport and celebrity' revealed 43 theses, including the three mentioned above. 'Sport and fame' yielded 26 possibilities, but none were relevant to this topic area. 'Sport and off-field behaviour' only provided four theses, all of which dealt with the behaviour of sports fans, rather than sporting personalities. 'Sporting icons and behaviour', 'sporting personalities and behaviour' and 'sport and off-field behaviour' all drew no results. The most fruitful *Proquest* search involved 'sport and content analysis' – an area central to the first phase of this thesis –

which provided 201 mainly North American references. Four recent theses were of particular interest, and a number of others proved of peripheral interest.

Andrea Eagleman's doctoral thesis (2008) for the Indiana University looked at *'Investigating agenda-setting and framing in sports magazines: an analysis of the coverage of major league baseball players from 2000 through 2007'* (2008). It examined which American major league baseballers were featured in the nation's top two general interest sports magazines (*Sports Illustrated* and *ESPN The Magazine*) to determine if the best players were covered regardless of race or nationality and to examine what frames were used to describe them in feature articles to establish whether the racial and nationality-based stereotypes perpetuated since the 1800s were still prevalent in the U.S. sports media (Eagleman, 2008, p. vi). This thesis used the same agenda-setting and framing theories and qualitative research methods that this researcher found useful in determining his approach. But the thesis did not focus on reporting the off-field behaviour of the sporting stars, nor did it go on to research the reactions of senior journalists, academics or sporting personalities to its findings.

Another American PhD thesis, by Heather Maxwell (2009), for the University of Minnesota was titled *'Women's and Men's Intercollegiate Baseball Media Coverage on ESPN.com: a Mixed Methods Analysis of a Complete Season'*. The researcher used both qualitative and quantitative analysis to determine whether the under-representation and marginalization of female athletes seen in traditional media existed in new media, specifically the Internet. Among the major findings were that more women's basketball photographs were more likely to be shown in action, but men's basketball received more coverage overall (Maxwell, 2009, p. iv). Again the thesis was limited to content analysis, without taking the further step of seeking expert reaction or explanation of the findings.

The third thesis of relevance to this research was a Master of Arts dissertation by Mike Connors (2005) for the University of Missouri-Columbia titled '*Entering the limelight: The Virginian-Pilot's newspaper coverage of teenage sports stars from 1970-2004*'. Of the three, this thesis covered the widest time frame – 34 years. It was also the only thesis that looked at sports stars off-field behaviour, but teenage sports stars. After examining 2,000 news reports, Connors found that journalists tended to focus on positive off-field behaviour and painted on-field feats in almost gushing terms (Connors, 2005, p. Abstract). As was the case with the other two sport-related content analysis theses, Connors did not seek any reaction to his findings.

The final thesis considered relevant was Marcela A. Chaván de Matviuk's PhD titled *The Social Influence of Sport's Celebrities: The Case of Diego Maradona* (2005), which looked at the public concern and perception about drug use after the Argentinian soccer great's drug-related health crisis of 2004. She found that a sporting celebrity can have an important social influence on acute social issues and suggests that involvement with a celebrity mediates the public's attitudes, beliefs and behaviours (Chaván de Matviuk, 2005, p. iv). This is relevant insofar as it reinforces the contention that sporting celebrities can have a positive influence on social issues.

Other theses listed by *Proquest* in the general area included one looking at crowd behaviour at selected Australian sports (Pickard, 1990) which found that crowd behaviour at the eight nominated Australian sporting events was controlled with attention and interest focused on the contest (Pickard, 1990, p. Abstract), which reinforces the contention earlier in this literature review that Australians are interested in their sport. Others included: the effects of gender stereotypes and language in sports reporting (Cady, 2006); a content analysis of five major metropolitan dailies' sports coverage in print and online (DeGroff, 2003); a

content analysis of the print media coverage of interscholastic athletics (Pedersen, 2000) and a content analysis of the Canadian *Globe and Mail* sports section coverage of the winter Olympic Games from 1924 to 1992 which involved analysing a total of 177 newspapers printed during the winter Olympic Games over that 68-year period (Urquhart, 1994).

The two Australian databases revealed very little of relevance to this research topic.

Mention has already been made of the one that named Bradman (Hutchins, 2002a). A search for 'sport and off-field behaviour' revealed nothing, as did searches for 'sport and role models' and 'sporting icons and behaviour'.

A search for 'Sport and culture' in the Australian Digital Thesis program (ADT) provided 239 results, but included a number of duplicate entries and the majority focussed on student behaviour, medicine, development of individual sports, and teaching and culture, notably Maori culture, and nothing relevant to this topic. 'Sport and behaviour' in the Libraries Australia database provided eight results, none of which were relevant. 'Sport and culture' as a query field in libraries Australia also provided eight theses, but again none were relevant to this thesis. 'Media and content analysis' in that database yielded 22 theses, two of which involved sport, one a PhD thesis for the University of Western Australia, and the other a Master of Arts thesis for the University of Iowa. Richard Pringle (1992) undertook a content analysis of Western Australian print media coverage of the 1990 Commonwealth Games with particular reference to gender differences and Lisa Hindson submitted an MA thesis to the University of Iowa on '*A newspaper content analysis of the Australian's treatment of female and male athletes in the 1984 and 1988 Summer Olympic Games*' (1989). A 'sport and tall poppy syndrome' query in libraries Australia provided the only thesis relevant to this topic – Michelle Paccagnella's dissertation on '*The tall poppy syndrome in sport: attitudes towards tainted and untainted performers*' (1993), but there is

no reference to media representations of these sports performers. Unlike the *Proquest* findings, a search for 'Sport and fame' unearthed two Australian results, neither of which was relevant to the topic area. 'Sport and celebrity' provided five possible theses, but again they were not relevant.

While the three main North American theses all involve media content analysis for periods ranging from one season to 34 years, only one looked at the sports stars' off-field behaviour, and only the behaviour of teenagers.

None of the theses found in the three multi-pronged database searches revealed any content analysis of the way individual sporting personalities / icons were covered across a range of newspapers and across more than 65 years, as this thesis does. Nor did any of the content analysis theses follow up their findings by interviewing any experts in the area, like sports reporters, appropriate academics or sporting icons themselves to test their findings – a major thrust of this research. Finally, none of the theses that involved in-depth interviews with either celebrities or their fans, predicated their interviews with detailed content analysis of the topic area or the individuals.

**Summary:**

The second section of the Literature Review has examined further key areas that are fundamental to this thesis. It has established that:

- The debate over the public interest v. invasion of privacy is ongoing in Australia and internationally, especially in the wake of *The News of the World* phone hacking scandal of 2011.
- The various codes of ethics and charters of editorial independence all dictate, in one form or another, that privacy should be respected, but most then go on to explain how it can be invaded at times.

- The 24-hour news cycle, the Internet, and social media are having an impact on sports coverage and privacy invasion.
- At the time of writing (concluding in mid-2014), Australia did not have a privacy law, but the federal government had instructed the Australian Law Reform Commission to again consider whether a tort of privacy to cover serious cases of media intrusion should be introduced.
- A survey of other theses in the area established that no-one had undertaken a content analysis of the way the private lives of individual sporting personalities were covered in a range of newspapers across 65 years. Neither did any of the content analysis theses follow up their findings by interviewing experts in the area to test their findings. None of the theses that involved in-depth interviews of either celebrities or their fans predicated their interviews with detailed content analysis of the topic area or the individuals.

On the basis of the wealth of literature canvassed in this and the previous chapter, it is the candidate's contention that this research breaks new ground in the fields of the media's coverage of sporting celebrities, notably international cricketers; the changing role of privacy in media; and the history of cricket and the media.

## Chapter 4

### Theoretical frameworks

#### *Introduction:*

This thesis explores the ethical decisions associated with the way the print media reported the off-field behaviour of selected sporting icons over a 65-year period from the mid 1940's to the end of the first decade of the 21<sup>st</sup> century. It uses selected events in the private lives of five of Australia's best known cricketers – Don Bradman, Keith Miller, Greg Chappell, Shane Warne and Michael Clarke – to examine how journalists covered these events. The newspaper analysis provided results that were followed up with interviews with sports journalists, media commentators, media academics and a former Australian cricketer-turned-commentator seeking their reactions to the findings.

It is hypothesised that newspaper coverage changed dramatically from the 1940s when major sporting personalities were idolised for their performances on the playing field, and little was reported about their private lives, to the end of the first decade of the 21<sup>st</sup> century when the media reported widely on the private lives of some sporting personalities.

As was seen in the Literature Review a strong body of academic discussion has evolved around a number of issues raised by the scope of this research. There is much academic literature about fame, celebrity, sporting icons as both celebrities and role models, and the price famous people pay for fame – the loss of privacy and the frequent invasion of their privacy – and the modern-day mainstream celebrity coverage that often amounts to little more than gossip. Recent years have also seen the increasing impact of social media on what is reported in the mainstream media. The media has tried to address the frequent criticism of privacy intrusions by introducing various ethical codes and charters. Some

countries have introduced legal remedies for those who believed their privacy had been invaded, but as yet no privacy tort exists in Australia. The latest Australian Law Reform Commission inquiry into a possible privacy tort for Serious Invasions of Privacy – the fourth reference from the federal government to the ALRC on the issue (Ackland, 2013) – is not expected to report until mid-2014 (Dreyfus, 2013).

This research will draw on several key theories and research paradigms to explore the research questions. This chapter will address the combination of frameworks or prisms through which it is intended to view the various threads of the topic. Since this thesis is about the ethical aspects of the evolving media coverage of an issue – the private lives of sporting icons (and expert reaction to the findings of an analysis of it) – it draws from several theoretical frameworks, notably ethics in journalism, agenda-setting and framing. In addition, it uses a uniquely Australian explanation of degrees of fame expounded by Chadwick called the Taxonomy of Fame (Chadwick, 2003, 2004, 2005; Chadwick & Mullaly, 1997). Finally, it uses a grounded theory approach to develop a possible way forward from the current situation.

***Ethics in journalism:***

When we enter the area of journalism ethics, we pass into a swamp of philosophical speculation where eerie mists of judgement hang low over a boggy terrain (Merrill, 1975).

This thesis takes that journey as it explores the ethics behind the everyday decisions journalists make in pursuit of stories about, among other topics, the private lives of celebrities. Ethics is a branch of moral philosophy that has ‘preoccupied philosophers for centuries’ (Hurst & White, 1994, p. 3). Over those centuries ‘ethics has come to mean learning how to make rational choices between what is good and bad, what is morally

justifiable action and what is not' (Patterson & Wilkins, 1991, p. 2). In their analysis of journalism ethics, Tanner, Phillips, Smythe and Tapsall (2005) defined ethics as dealing with questions of right and wrong:

(E)ssentially, ethical behaviour comes down to the individual applying what they know to be right and eschewing conduct they consider to be wrong (Tanner et al., 2005, p. xiv).

But it is not that simple. Land and Hornaday (2006) said ethical dilemmas arose 'when complex situations pit principles against each other and cause us to question whether or not any one given principle can be held as absolute' (p. 26). In other words, ethics is often about conflicting principles. In the context of this thesis the conflicting principles are those of the public's right to know, which brings with it the possibility of intrusion into an individual's privacy, and that individual's right to privacy. How does a journalist decide what degree of intrusion into an individual's privacy is acceptable, and what would be considered going 'too far'? That dilemma was at the heart of the aforementioned 2011 *News of the World* scandal.

There are two main theories of ethics – deontology and teleology (Merrill, 2011, p. 10). The suffix 'ology' refers to 'the study of' and the prefixes have their roots in Greek – 'teleo' for 'cause and effect' and 'deon' for 'duty' (J. Black & Roberts, 2011, p. 308). Teleology is concerned with ends or consequences, or in a journalistic context the effects of the reporters' choices in what to publish and what they don't. Deontology, on the other hand, is the summary term for decisions based on moral duties or rules – for a journalist, for instance, the dictates of the MEAA Code of Ethics, or a newspaper's Charter of Editorial Independence.

Black and Roberts (2011) contend that journalists need to consider both theories, saying many ethicists wonder:

(H)ow can we do the right or wrong thing without considering the consequences of our actions (J. Black & Roberts, 2011, p. 355).

An added problem for deontology is that it often involves conflicting duties (Merrill, 2011, p. 3). To whom does the journalist owe their primary duty in reporting – to their audience, their employer, their sources, their professional colleagues or themselves? When there is such a conflict – for example between what the journalist wants to write, and what the Chief of Staff or Editor wants to publish – who has the final say? These are what Hirst and Patching (2007) refer to as the ‘fault lines’ in the newsroom, created by the myriad of decisions made every day. This analogy draws on the image of the cracks left in the ground after earthquakes, some are small, some are of city-destroying proportions (Hirst & Patching, 2007, p. xvi). The fallout from the *News of the World* scandal is an example of a fault line of the most serious category, whereas differences of opinion between a journalist and an Editor or Chief of Staff about what (or how much) to write on a particular story might not cause such an intense ‘tremor’ in the organisation. Kant draws a distinction between duties and rights. This approach posits duty as being a broader category than rights. However, Hinman (2008) notes deontology, or duty-based ethics, conflict with what he terms ‘strong rights’ theorists, with the former asking: ‘what ought I to do?’, and the latter asking ‘what have I the right to do?’.

Whereas for the deontologists morality is about obligations to others, for the rights theorist it is about rights for oneself and others. Whereas one will concentrate on fulfilling duty, the other will be concerned primarily with defending claims about rights (Hinman, 2008, p. 212).

Positioning journalism within these paradigms is not problematic. Journalists' mantra of 'the right to know', which underpins the free speech imperative of the fourth estate, places the role of the journalist within the strong rights category. In celebrity journalism, this is seen in practice where the intrusion into an individual's privacy is justified by the 'right' of their audience to know something the celebrity would prefer was not made public.

As was noted in the Literature Review, privacy traverses both the fields of law and ethics.

But while the *law* sees issues in black and white – an action is either right or wrong, legal or illegal – *ethics* can be best summarised as involving 'varying shades of grey' (Hirst & Patching, 2007, p. xix) where an action could be considered by different people as either right and wrong, depending on their individual perspective. Black and Roberts (2011) expressed the regular ethical dilemmas facing journalists in a similar fashion:

Unlike law, which concerns itself with obligatory behaviour ('What's the bottom line, below which we should not fall lest we be punished?'), ethics concerns itself with unenforceable behaviour ('Given freedom to choose, what should we do?') (J. Black & Roberts, 2011, p. 23).

Discussion often centres on what is 'fair and accurate' in the particular circumstances. But who decides what constitutes being 'fair'? It is a continuing debate. The then presenter of the *ABC TV's* commentary program, 'Media Watch', Jonathon Holmes, addressed the issue at an annual journalism lecture at the University of Queensland in May, 2013. He noted that every code of practice, code of ethics or in-house editorial policy he had seen insisted that news stories should be accurate and fair:

Yet the blunt truth is this: you can regulate accuracy. It's next to impossible to regulate fairness because nobody can agree about what's fair (Cited in Simper, 2013).

One definition of journalism ethics that is particularly relevant to this thesis on the invasion of privacy was offered by Frost:

(E)thics is a way of studying morality which allows decisions to be made when individuals face specific cases of moral dilemma. At their most praiseworthy, the journalist's tussles are going to be between the right of the public to know and some other moral tenet – perhaps the invasion of an individual's privacy – which would militate against publication (Frost, 2000, p. 1).

Mainstream media are faced with making decisions under time pressures that are rarely matched in other professions, often with limited information and competing options (Gordon, Kittross, Merrill, Babcock, & Dorsher, 2011, p. xiv). It is a process that Merrill (2011, p. 8) summarised as:

Being ethical in journalism often results in compromise, pulling punches, circumlocutions, self-censorship, biasing stories for 'ethical reasons', being 'fair' or trying to bring about 'good' consequences.

### ***Taxonomy of Fame:***

One of the theoretical approaches in the framework of this thesis is the 'Taxonomy of Fame' (Chadwick & Mullaly, 1997). This ethical theory was first articulated as part of a research paper produced for the Communications Law Centre in Australia in the late 1990s by Paul Chadwick and Jennifer Mullaly (1997). They pointed out that media coverage made people famous and their privacy was exchanged for fame, or lost because of it. Chadwick and Mullaly identified five categories of fame – fame by election or appointment (politicians, judges and others in public office), fame by achievement (which includes sports, film, television and music stars and leaders in business), fame by chance (previously anonymous people randomly caught in tragedy, disaster, or less often, good fortune), fame by

association (to be endured/enjoyed by those close to the famous, such as a politician's wife or a sporting champion's children), and finally, Royal fame [a category reserved for those who are born into, or marry into, a Royal family] (Chadwick & Mullaly, 1997, pp. 5-6). Of particular relevance to this research is the category of 'fame by achievement', which includes sporting icons. Chadwick and Mullaly noted that many in this category invited publicity, earned money in exchange for giving up their privacy, and then used their wealth to protect their privacy (1997, p. 5). It will be shown in this thesis that in recent times, a sporting personality's wealth does not necessarily guarantee their privacy, if anything it tends to increase media interest in their private life. In the cases of Warne and Clarke it will be seen that all their wealth has not prevented invasions of their privacy. Chadwick and Mullaly also pointed out a variant of fame by achievement – infamy, which is acquired by wrongdoers because of the seriousness of their acts. According to Chadwick and Mullaly, they do not trade privacy, they forfeit it (p. 5). This phenomenon was seen played out in the life of former rugby league great and *Nine Network* media personality Matthew Johns who was sacked from the popular 'Footy Show' ("Matthew Johns expected to be stood down by Channel Nine," 2009), and later by the network, in the wake of the 2009 ABC 'Four Corners' program 'Code of Silence'. His media career was resurrected less than a year later on the rival *Seven Network* and later on the *Fox Sports* pay-TV network.

Towards the end of 2012 (when interviewed for this research) Chadwick was the ABC's Director of Editorial Policies, but had developed his theory of the Taxonomy of Fame after two decades as an award-winning Melbourne-based journalist and communications law expert. From 2001 to July 2006 (when he was appointed to the ABC) he was the first Privacy Commissioner of Victoria (*ABC Director of Editorial Policies Appointed*, 2006). It was during that time that he further developed his theory from its first publication, with Mullaly, in

1997. He left the *ABC* at the end of 2012 to join the board of the Australian online version of the London newspaper, *The Guardian* (Sweeney, 2013).

Chadwick (2003) expanded the initial concept in 2003, suggesting that for all those in categories other than Royal fame, 'we can fairly draw a "private zone" for, say, their particular sexual practices, parenting style or health problems' (2003, p. 14).

He suggested that the test for media intrusion should be:

Does the public interest in disclosure outweigh the privacy interest of the persons involved? (Chadwick, 2003, p. 12).

In the following year, he (Chadwick, 2004) suggested that if more attention was given to the reasons fame attaches to a person in given circumstances, it would be possible to strike a finer balance between disclosure and non-disclosure (or part disclosure) in particular cases (2004, p. 2). Acknowledging the conflict in the media between privacy and disclosure, he suggested journalists refine their decision-making processes where privacy is in the balance against disclosure (2004, p. 2). He again proposed his five-point Taxonomy of Fame as a practical tool to help journalists make what he termed as 'better choices, more precisely calibrated, in particular cases' (Chadwick, 2004, p. 6). He refined his 'test' from the previous year slightly and proposed the new test:

Does the public interest in disclosure outweigh the reasonable expectation of privacy of the persons involved? (Chadwick, 2004, p. 7)

Chadwick (2005) honed his theory further the following year by adding what he termed a Privacy Alert System. The elements of this system would be the recognition of the irreversible damage a breach of privacy can do; the establishment of a system where someone who believes a disclosure is about to be made about them can have the matter assessed prior to disclosure and that the assessment be undertaken by a suitably

experienced person (Chadwick, 2005, pp. 9 - 11). Chadwick proposed that the role of the assessor would be to record the relevant facts, contact the relevant decision-maker to alert them of the person's concerns and anything they think the decision-maker should know, and report back to the person who raised the concerns explaining the steps taken (2005, p. 10). The role of the assessor was seen as both intermediary on behalf of the person and advisor within the media entity. He continued (Chadwick, 2008) through the latter part of the first decade of the 21<sup>st</sup> century to advocate that journalists should focus more on what they were deciding, when considering issues of privacy, and on how they might explain their decision, whatever they decide. He maintained that in accepting accountability for the power it wields, the media must show a willingness to explain publicly how an ethical decision had been reached. Chadwick's theory is particularly relevant in the context of this thesis because the overarching theme of investigating the print media's coverage of sporting personalities' private lives involved ethical decision-making. It also places much of the decision-making process in the hands of the individual journalist. How does a journalist justify to themselves invading the privacy of the rich and famous? This issue will be discussed during the elite interview stage of the research discussed in chapter 11 and in the concluding chapter.

***Agenda-setting:***

According to agenda-setting theory, the mass media set the 'agenda' for public opinion and discussion by highlighting certain issues in their reporting. Reporters and editors in mainstream media make choices about what stories will be reported, what and how much will be written on each story, how much space will be devoted to each story, and what 'play' it will be given on a particular mainstream media platform. In the context of a newspaper this means (aside from the actual content of the story) decisions on what page the story will

appear, on what section of the page, how big the headline will be, how many paragraphs will be devoted to the story, and whether it will be accompanied by any other illustration – like a graphic, a table or a cartoon. A common finding of agenda-setting researchers has been that ‘at a given point, or over a certain period of time, different media place a similar salience (relative importance or prominence) on a set of issues’ (Dearing & Rogers, 1996, p. 90). Dearing and Rogers said researchers had also found that the media tended to agree on the number of, or the proportion of, news stories that they would devote to a particular story (1996, p. 90). As such, agenda-setting is a theory aimed at explaining why certain stories are reported, written in a certain way, given a particular display in the paper and, by implication, why other stories do not make the mass media reporting ‘agenda’. Agenda-setting, as will be seen below, has been criticised for shortcomings, hence the need for a multi-pronged theoretical approach in this thesis. Acknowledged as a major milestone in 20<sup>th</sup> century mass communication research, the original agenda-setting study by Bernard Cohen (1963) led to the early and oft-quoted description of the agenda-setting role of the mass media:

(The press) may not be successful much of the time in telling people what to think, but it is stunningly successful at telling its readers what to think *about* (original italics) (Cohen, 1963, p. 13).

The distinction between ‘what to think’ and ‘what to think about’ has been challenged in recent times as being not entirely clear, notably by a leading proponent of framing theory, Robert Entman (2007):

(T)he former seems to mean what people decide, favour, or accept, whereas the latter refers to the considerations they “think about” in coming to such conclusions (Entman, 2007, p. 165).

The seminal work on agenda-setting by McCombs and Shaw (1972) produced more than 40 years ago, took place in Chapel Hill, North Carolina, in 1968 with the two professors trying to match what 100 Chapel Hill voters said were key issues in the 1968 presidential campaign against the actual content of the mass media consumed by the voters. They found that media coverage matched closely what individual voters named as key issues, suggesting an agenda-setting function of the mass media.

McCombs, who has devoted more than four decades building agenda-setting into an accepted theory of how news media create issues in the minds of readers (Davie & Maher, 2006, p. 358) , in another journal article with colleague Donald Shaw described it this way:

Audiences not only learn about public issues and other matters from the media, they also learn how much importance to attach to an issue or topic from the emphasis the media place on it (McCombs & Shaw, 1976).

McCombs has since re-phrased and expanded Cohen's classic finding in terms of more recent research on agenda setting, which he called second-level agenda setting or framing, as discussed later:

(T)he media may not only tell us what to think about, they also may tell us how and what to think about it, and perhaps even what to do about it (McCombs, 1997, p. 48).

Rill and Davis (2008) have since added the dimensions of how audiences should 'think *and* (their italics) feel about what they have been told to think about' (2008, p. 609).

Not only do people get information about issues likely to affect them from the news media, readers and viewers are given important clues on how much importance to place on the information by the aforementioned 'play' the various items are given by the media – like where the story is placed in the paper, how much space is devoted to it, the size of the story

and its headline etc. Agenda-setting establishes the salient issues or images in the minds of the public (Littlejohn & Foss, 2008, p. 293).

Tan and Weaver (2007) found from an agenda-setting survey covering the period 1946 – 2004 that there was ‘a small but definite positive relationship between news coverage and public opinion’ (p. 739).

Reviewing the role the media played in the removal of Australian Prime Minister Julia Gillard from the nation’s top job in mid-2013, Muller (2013) said an ‘integral power of the media is that of portrayal’:

(T)he act of determining how people, events, ideas and organisations are described to the public, and therefore how they are perceived by the public. In this way, the media constructs for us our understanding of the world beyond our personal knowledge and experience (Muller, 2013).

Agenda-setting provides a foundation for this thesis by setting the tone for what is being investigated. If the media did not place importance on the private lives of celebrities in general, and sporting personalities in particular, then the public would not see so much of the material that passes for news in 21<sup>st</sup> century mass media. While agenda-setting as a theory evolved in the ‘70s as a tool for researching aspects of the media’s role in political communication, it is equally valid as a theoretical prism through which to look at how the media reports on other phenomenon (McCombs, 2005; Meadows & Zhand, 2012; Pearson, Brand, Archbold, & Rane, 2001), including celebrities’ private lives. Agenda-setting can be seen in not only what a particular media outlet tells its readers to think about, but also what it tells other media it considers important. It has long been believed that the morning, usually broadsheet, newspapers set the agenda for the other arms of the media to follow up later in the day. Researchers like Dearing and Rogers (1996) have suggested that agenda-

setting has offered 'an explanation of why information about certain issues, and not other issues, is available to the public' (p. 2). It points to the gatekeeping function of the media – where some stories are preferred above others. While the morning papers may set that day's agenda when they break major stories, it is also evident that relatively-new media outlets, such as the Australian 24-hour news channels *Skynews* and the *ABC's News 24*, the myriad of news sources available on the Internet, blogs and the social networking sites like Facebook and Twitter, now play a role in setting the agenda for the mass media. While most newsrooms monitor *Skynews* and *News 24* for fast-breaking stories, other online news media sites, blogs and the social networking sites like Facebook and Twitter have also become important sources of news for the mainstream media. Tan and Weaver (2013) pointed out that 'Internet-based communication – including email, online newspapers, chat rooms, blogs and websites representing every ideological, commercial and personal niche – has dramatically changed the communication landscape with the introduction of myriad new channels' (p. 775). Proponents of the alternative news sources have in recent times been critical of traditional mass media reporting practices. Australian political blogger Tim Dunlop (2012) argued that the public are no longer passive observers in the news process. Under the headline 'The gatekeepers of news have lost the keys', he said the public were 'no longer dependent on the mainstream media to interpret and explain important events' (Dunlop, 2012). Green (2013) noted a few months later that 'the big change to the flow of information in the past decade has been to liberate it from journalistic mediation' calling the alternative media like blogs and social media 'a conversation that exists in parallel to mainstream media and in many instances dwarfs it in the seriousness of its intent' (2013). Wallsten (2007) had pointed to the influence of alternative media sources a few years earlier when he suggested that 'the blog agenda is becoming a more important influence on

the media agenda than vice-versa' (2007, p. 569). Despite the enormous growth in alternative media in recent times, Wallsten, Dunlop and Green represent a relatively small number of people who are heavily involved in independently watching the news unfold around the world (Patching & Hirst, 2014, p. 205). As was shown in the Literature Review, Twitter has been embraced by sports stars as it has by journalists and the community in general and while it is a fast, albeit brief, way of relaying information (tweets are limited to 140 characters and relayed from computer, tablet or phone) it has posed problems for the media. Media organisations had been constantly updating their policies about when and under what circumstances journalists can use the new technologies. Mention was made in the Literature Review of sports stars who have had problems from indiscreet tweets. The social networking phenomenon has been evolving quickly in recent years and the idea that radio, TV and online media follow just the lead from the morning paper is no longer as valid for 21<sup>st</sup> century mass media as it might have been in earlier decades.

***Framing:***

While agenda-setting suggests that the media indicates to its audiences the importance of stories by the amount and 'play' they are given in the paper, online or in the broadcast media, another theoretical framework, framing, is based on how an issue is described and conveyed in news reports (Yioutas & Segvic, 2003, p. 570). It contends that the actual descriptive words and phrases used in news stories can have an influence on how it is understood by audiences (Scheufele & Tewksbury, 2007, p. 11).

There has been debate (Connors, 2005) about whether framing is a separate theoretical framework or a subsidiary of agenda-setting. On one side of the debate are those proponents of agenda-setting theory trying to counter the arguments about its lack of clarity and for being somewhat simplistic in its focus on broad issues (Borah, 2011; Entman,

1993; Scheufele & Tewksbury, 2007) and on the other are those championing framing as a theory in its own right (R. Coleman & Wu, 2010; McCombs, 2005; Rill & Davis, 2008). There is also debate on whether framing is a theory (Borah, 2011; D'Angelo, 2011; Vreese, 2005) or a methodology (Dejica - Cartis & Delica - Cartis, 2011; Koenig, 2006). Konig (2005) maintained frame analysis is 'neither a full-fledged theoretical paradigm, nor a coherent methodological approach'. In this thesis it is seen as expanding the agenda-setting framework of the research – the so-called second-level agenda setting as described by Ghanem (1997). He combined both agenda-setting and framing when he contended that: 'Depending on how an issue is presented or framed in the media, the public will think about that issue in a particular way' (1997, p. 7). He added that agenda setting dealt with the selection of issues by the news media while framing dealt with the selection of elements within a particular issue and the influence of those elements on the public agenda (Ghanem, 1997). Dearing (1998) characterised the relationship between the two as agenda setting 'in which mass media set the agenda for what audience members consider important', and media framing as 'the meanings that characterize mass media news content' (1998, p. 125). Coleman and Wu differentiated between the two by stating that agenda-setting focuses on the amount of coverage of an issue, whereas framing focuses on how the issue is defined (R. Coleman & Wu, 2010, p. 315). Gamson and Modigliani (1989, p. 3) referred to frames as 'interpretive packages' for making sense of relevant events, suggesting what is at issue. Framing, as far as mass media research is concerned, presents information in a way that resonates with audiences. For the journalist, framing is a necessary tool to reduce the complexity of an issue given the restraints of time and space in their particular media platform. Frames become invaluable tools for presenting relatively complex issues in a way that makes them more easily understood to audiences (Scheufele & Tewksbury, 2007, p.

12). In other words, it is the way the media and their audiences organize and make sense of events and issues. Ewart and Rane (2013) suggested frames in news stories were 'highly influential, with media audiences using them as a way of comprehending events' (2013, p. 79).

London (1993) saw the frame as the central organising idea for making sense of relevant events and suggesting what was at issue. He said that the frames for a given story were seldom conscientiously chosen but represented instead the effort of the journalist to convey the story in a direct and meaningful way (London, 1993).

Leading proponent of framing research, Robert Entman (1993), offered a broader definition when he said to frame was to:

(S)elect some aspects of a perceived reality and make them more salient in a communicating context, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation (1993, p. 52).

Another pioneer of research into the framing effects of news coverage on public opinion, Shanto Iyengar (1987), found in a TV study that viewers were sensitive to contextual cues and their explanations of issues were 'critically dependent upon the particular reference points furnished in media representations' (1987, p. 828). In other words, they took cues to understanding stories by the language used and what it suggested.

While many researchers have identified approaches to framing research (Constantinescu & Tedesco, 2007; McKinney, 2007; M. Nicholson, 2002; Nitz, Reichert, Aune, & Velde, 2007) this research will consider only those with a specific focus on sport and celebrity.

Rill and Davis (2008) suggested that a frame can be characterised as a dominant attribute in a media message and 'by covering attributes in either a positive, negative, or neutral tone,

the media help the public not only decide on the importance of the issues being covered, but also how to feel about the issues' (2008, p. 611). This is critical to the research method that was employed in the following chapters.

Mathes and Kohring (2008) identified five different methodological approaches for the measurement of media frames – hermeneutic, linguistic, manual holistic, computer-assisted and deductive (2008, pp. 259-263). This thesis used the deductive approach where meanings or inferences were deduced from the text of the articles being examined.

Another way of looking at the framing of a piece of reporting is to identify generic frames that may be common to various styles of stories. Semetko and Valkenburg (2000) nominated five generic frames – conflict, human interest, economic consequences, morality and responsibility (2000, pp. 95 - 96), all of which are relevant to this study because they are very similar to accepted news values. For example, the reason for various stories being published, or put another way, the news value in play, in some cases would involve *conflict*, an established news value (Masterton & Patching, 1997). *Human interest* is another widely-accepted news value and is present in all celebrity news. Consequence is another news value and there are often *economic consequences* to the off-field or private behaviour of a sporting celebrity. While there is not a specific *moral dimension* as a general news value, the media is quick to publish what it sees as immoral behaviour on the part of a celebrity. Some of the stories may involve the media blaming (*responsibility* frame) someone for an event or action. In the context of this thesis that final category – responsibility – could also be used as a frame for the individual being expected to take responsibility for their actions. Kenix (2008) summarised the literature on four of the five frames mentioned above (2008, pp. 109 - 113). She found the conflict frame was the most common found in political news and was often used in the sporting analogy of a horse race, or a person gaining or losing ground.

Next in frequency was the human interest frame where an audience would relate to stories that had some sort of personal impact on another human being (2008, p. 112). Another attempt to personalise or bring emotion to an event was characterised by the morality frame, where the news event was framed in the context of religious doctrine or moral resolutions. Reporters often introduce morality into content via an outside group that mentions these issues through quotation or reference (Kenix, 2008, p. 112). Finally she found that the responsibility frame argued that the news media assigned responsibility for an event, issue, or problem. The responsibility to solve or correct the problem was often passed to (among others) an individual (Kenix, 2008, p. 113). She ignored the frame of economic consequences but it is an important consideration in the context of this research given the strong financial connection between sporting personalities and their sponsors and the huge amounts involved in the television rights for popular sporting events. As seen in the coverage of the Tiger Woods sex scandal in late 2009 / early 2010 and noted earlier, the economic consequences of such behaviour can be very costly both personally, and economically.

Two more relevant frames emerged in the analysis of print media coverage of two Australian cricketing incidents of alleged racial vilification involving the current national cricket coach Darren Lehmann and Pakistan's Rashid Latif (Farquharson & Marjoribanks, 2006). Farquharson and Marjoribanks used framing theory to:

(P)rovide insights into the ways in which the media framed the incidents, with a particular emphasis on the language used and its relation to the social and political context, rather than on counting of key words or images (2006, p. 30).

The two frames identified in that research were the Australian cricketer as 'victim' and 'bad boy behaviour' by the national team (2006, p. 32).

A sporting news story associated with the 2010 World soccer Cup, then about to begin in South Africa, demonstrated the concept of print media framing. One of the world's best known soccer players (and known as much for cheating and unacceptable off-field behaviour as for his brilliance playing for Argentina in previous World Cups), Diego Maradona, delivered what was termed a 'sermon on honest football' (J. Wilson, 2010). A convicted drug cheat, who had not been involved in a World Cup match since failing a drugs test in 1994, Maradona is perhaps best remembered for the infamous 'Hand of God' incident against England in 1986 when he claimed God had touched the ball, not him. But the framing of the opening paragraph of the story by Jeremy Wilson from *The Daily Telegraph* in London (and republished on *The Sydney Morning Herald's* website) clearly demonstrated frames like morality, human interest, responsibility for actions and unacceptable off-field behaviour:

A drug cheat and the perpetrator of the most infamous handball in football is, on the face of it, hardly the ideal ambassador for a campaign to promote fair play (J. Wilson, 2010).

***Grounded theory:***

This thesis also employs a grounded theory approach. That Theory was developed by Glaser and Strauss (1967) as a process of qualitative analysis which aims to arrive at a theory grounded in the data rather than on prior assumptions. It is now among the most influential and widely-used methods of carrying out qualitative research 'when generating theory is the researcher's principal aim' (A Strauss & Corbin, 1997, p. vii). The process appealed to the researcher because in its application it shares much with 'Journalism as a research method', which is explored in the following methodology chapter. At its core is the question: what is the data telling me? The journalist faces the same query, after collecting

the information for a story, assimilating it, and evaluating what all the information is telling them about the story they are chasing. But it is also a contested method (Seidel & Urquhart, 2013, p. 237). Glaser and Strauss parted company soon after their seminal work was published (Glaser & Strauss, 1967) and established different branches or approaches to the general theory. As noted, the original concept was developed as a way of building theory from data, rather than using existing theory as a starting point (Martin, 2008, p. 77). As Charmaz (2005) argued, grounded theory involves the simultaneous collection of data and analysis 'with each informing and focusing the other throughout the research process' (p. 508). She added that grounded theory methods provided a template for researchers doing qualitative research because of its emphasis on logic, analytic procedures, comparative methods, and conceptual development (Charmaz, 2005, p. 509). Seidel and Urquhart (2013) contended that 'grounded theories are not discovered, they are constructed, based on conscious decisions and interpretive acts' (2013, p. 237). In a grounded theory study, the intention is to generate theory rather than arrive at an objective truth (Blythe, 2007, p. 285). Researchers have traditionally been trained to approach topics with a strong knowledge of the published literature in the area to ensure that they are making a new and significant contribution to the area, and so that their research builds on current knowledge, supported by previous work (Skeat & Perry, 2008, p. 102). Skeat and Perry (2008) identified this as a key area of controversy in grounded theory (2008, p. 102) and suggested that the literature be viewed as just another source of data, rather than a source of concepts or ideas that were likely to 'fit' the area under investigation. They further suggested that some researchers who use grounded theory methods did not aim for a theoretical product at all, but aimed to illuminate the 'core' problem or related issue (Skeat & Perry, 2008, p. 106).

This idea has been incorporated into this research which uses the wealth of background knowledge drawn from the literature as a foundation and building block.

Pearson (1997), pointed out in his doctoral thesis that:

The idea of developing theory grounded in the data adds a validation safeguard for the professional researcher who has a background in the very career and practice under examination (1997, p. 88).

At the same time, Pearson noted, familiarity with the field allows the researcher to bring insights into work practices and procedures which the stranger might never know (1997, p. 88). This applies to this researcher who, as noted earlier, has an industry and research background in the fields of journalism ethics and sports reporting. Grounded theory was used in the final analysis phase of the thesis because the aim was to develop an alternative model for journalists to adopt when deciding the degree to which the privacy of an individual, in this case, a sporting icon, should be invaded when reporting a particular story. As such, it will be informed by the literature, the theoretical frameworks in this chapter, the findings of the primary research in chapters 6 – 10 and the interviews discussed in chapter 11.

### **Summary:**

This chapter has outlined the theoretical approaches to be employed in this thesis. It began with an analysis of the ethics of journalists' decision-making, and touched on the potential conflicts that might arise with the law, in relation to privacy. It does this only insofar as it applies to the ethical decisions journalists make and the fact that privacy cuts across both law and ethics.

The chapter suggested and outlined the four theoretical frameworks through which this research will be approached. First, a combination of agenda-setting theory and framing –

the latter often referred to in the literature as 'second level agenda-setting' but in this context seen as a separate approach – which will be used in the case studies in chapters 6 – 10. The Australian-developed theory of the Taxonomy of Fame will be applied in each of the case studies to establish what differences there might be in the coverage of the 65-year span of the research. Finally, a Grounded Theory approach, which builds a theory from the data collected – in this case the material from the five case studies and the interviews with the eight experts – will be used in the final phase of the research to develop an alternative model for individual journalists to use when faced with ethical decisions to be made in the context of the invasion of an individual's privacy.

Chapter five outlines the methodologies to be employed in the research.

## Chapter 5

### Methodology

#### ***Introduction:***

This thesis investigated how newspapers over a 65-year period covered the private lives of five sporting celebrities. It drew on a range of theoretical frameworks, including Agenda-Setting and Framing, Chadwick's Taxonomy of Fame and Grounded Theory, as outlined in the previous chapter. The thesis employed a triangulation of qualitative research methods to gather the information required to answer the research questions and the ancillary hypotheses outlined in the opening chapter.

#### ***Rationale:***

Newspapers were used because they were common to all time frames under consideration – the 1940s, '50s, '80s and the first decade of the 21<sup>st</sup> century. In Bradman's day (his test appearances were from the 1928 to 1948) newspapers were unchallenged as the providers of news. In the early part of his career, radio was in its infancy, and newspapers provided a constant and permanent record of what had happened. While modern-day media covers a much wider spectrum, Bradman's era pre-dated TV in Australia, online news sites, Internet discussion groups, Facebook and Twitter. Newspapers were the public's only easily-accessed and relatively-cheap record of events, and while commercial radio began in Australia in the 1920s (Phillips & Lindgren, 2006, p. 3) early news bulletins on the new broadcast medium were newspaper reports read aloud, although sports reporting did improve in the latter stages of Bradman's career and certainly for the others involved in the various case studies. Television arrived in the mid '50s to coincide with the 1956 Olympics

in Melbourne and as the technology improved it took over as the primary source of news for most Australians. The public Internet expanded through the 1990s and the first decade of the 21<sup>st</sup> century has seen the explosion of social media, most notably Facebook and Twitter. During the evolution of media through much of the 20<sup>th</sup> century and the first decade of the 21<sup>st</sup> the one constant has been the newspaper, the daily recorder of events deemed of interest to its readers. While it was acknowledged in the Literature Review that television, through the large amounts it pays for broadcast rights, has played a major role in creating sporting icons, and radio and the Internet provide other sources for fans to keep themselves up to date on their favourite sporting heroes, newspapers are the one constant media across the 65-period. It was through the examination of newspaper coverage of the selected sporting icons that any changes in the way the print media has handled coverage of their private lives would be illuminated. Newspapers fulfil a number of roles in a democracy, mainly to inform, educate and entertain (Schultz, 1998).

This research looked not only at the news stories about the events, but also other forms of newspaper reporting – such as commentary or opinion pieces, editorials and cartoons. Gamson and Modigliani (1989) have pointed out that many journalists straddle the line between producers and consumers of meaning. These journalists – editorial writers, cartoonists, opinion writers and specialist columnists – are not engaged in constructing accounts of actual happenings. They observe and react to the same stories (already framed by other writers) that are seen by the general public:

In their commentary on an issue, they frequently attempt to articulate and crystallize a set of responses that they hope or assume will be shared by their invisible audience (Gamson & Modigliani, 1989, p. 9).

This was an important factor in evaluating the newspaper coverage in this research. Were they news stories of the particular event, or commentary pieces by a sporting journalist, a specialist writer or commentator, a former (or current) sporting personality writing a regular column, a newspaper's editorial, or the view of a cartoonist? All come under the general umbrella of the work that journalists traditionally do, but it was important to differentiate between the various categories of coverage.

Whole chapters appear in Australian journalism texts trying to define what constitutes a 'journalist'. Tapsall and Varley (2001) decided more than a decade ago that it was not clear what a typical journalist was – or what job they were supposed to be doing. They decided there were many different types of information workers fulfilling various communicative functions and using what traditionally have been considered journalistic skills to do so (Tapsall & Varley, 2001, p. 17). The definition of a journalist arose relatively recently in the discussion surrounding shield laws to protect journalists' sources in Australia. While the commonwealth law defines a journalist as anyone associated with regularly reporting information, similar laws in several states stop short of such a broad definition (MEAA, 2013, p. 16) refusing to accept, for instance, bloggers as 'journalists', although many senior mainstream media journalists regularly blog for their employers' websites.

***Multi-method or triangulation methodology:***

In answering different aspects of the research questions, this thesis adopted a multi-method or triangulation approach, using case studies, qualitative research in the form of semi-structured interviews, content analysis, framing and traditional journalism methods to gather the appropriate material and to evaluate that material, using grounded theory to suggest questions for the elite interviews and to develop an alternative approach for the

media in covering the private lives of celebrities, in this particular case, sporting personalities.

***Qualitative research:***

As Yin (2011) has noted, qualitative research is unlike other social science methods because ‘virtually every real-world happening can become the subject of a qualitative study’ (2011, p. 3), and has become an acceptable ‘if not mainstream, form of research in many different academic and professional fields’ (2011, p. 6). It is broadly defined as ‘any kind of research that produces findings not arrived at by means of statistical procedures or by means of quantification’ (Anselm Strauss & Corbin, 1990, p. 17). Strauss and Corbin (1998) expanded their definition in a later edition of their earlier book, saying that among other things: ‘It can refer to research about persons’ lives, lived experiences, behaviours, emotions and feelings’ (p. 11). This additional description of what is involved in qualitative research is particularly relevant to what the interview phase of the research was intended to uncover, to varying degrees, from the different interviewees. Hoepfl (1997) categorised qualitative research as an approach that ‘seeks to understand phenomena in context-specific settings’ (1997, p. 47). As Pressnell (2008) noted in her thesis on media and celebrities in relation to fans’ relationships with former NASCAR great, Dale Earnhardt, it is research in which the researcher is the primary observer and data collector (2008, p. 85). Richards (2009) said that ‘if the project is qualitative, it is because you don’t know in advance what you may learn from the data’ (2009, p. 73). She added that the aim of such research was to have ‘ideas emerge from your working with data’ (L. Richards, 2009, p. 73). She also noted that the techniques of qualitative research were not linear but looping:

The method is often described as “cyclical”, and the researcher can be pardoned for wondering how they can ever get anywhere other than where they started. Along

the way, they discover that the feedback process is never cyclical; it always takes them somewhere else (L. Richards, 2009, p. 7).

In qualitative research, as was demonstrated in this study, small samples are purposely selected and studied with the understanding that inquiry into and understanding of phenomena will be in depth rather than generalised (Presnell, 2008, p. 87).

***Case study method:***

The case study method was used because 'its strength is its ability to deal with a variety of evidence – documents, interviews, and observations – beyond what might be available in a conventional historical study' (Yin, 2008, p. 11). In this case it was documents – the individual categories of stories written in various newspapers about an incident in the private lives of the five cricketers. Wimmer and Dominick (2011) identified case study research as the most appropriate for questions that begin with 'how' (2011, p. 142) as inferred by the first research question. The analysis of the coverage of the chosen incidents will illustrate *how* celebrity coverage has changed over the research period. Williams, Rice and Rogers (1988) also saw that an important advantage of the case study approach was that it allowed the researcher 'to study a process over time' (1988, p. 108), and that the research activities can be modified as the study progresses (1988, p. 113). Both are important factors in the context of this research. The case study approach allowed for comparison of coverage over 65 years, and the ability to modify the research activities helped in the development of the questions to be asked in the elite interviews.

***Content Analysis:***

Tiung and Hasim (2009) defined content analysis as a method for collecting data on media content such as topics or issues, frequencies, or messages, determined by keyword, circulation and media type and dated its use back to 1927 (2009, p. 412).

An earlier definition by Krippendorff (1980) suggested content analysis was a 'research technique for making replicable and valid inferences from data to their context' (1980, p. 21). He went on to suggest that messages – in the context of this research individual pieces or categories of newspaper content – did not have a single meaning that needs to be unwrapped.

Riffe, Lacy and Fico (2005) defined content analysis as:

(T)he systematic and replicable examination of communication, which have assigned numeric values according to valid measurement rules and the analysis of relationships involving those values using statistical methods, to describe the communication, draw inferences about its meaning, or infer from the communication to its context, both of production and consumption (2005, p. 25).

The last two definitions highlight one of the characteristics of content analysis, its ability to be replicated. It is the contention of this researcher that the content analysis undertaken in this research could be replicated by selecting, for instance, cricketers from different countries and following the format of the research undertaken in the following case studies and elite interviews. Williams, Rice and Rogers (1988) have pointed out that one of the strengths of content analysis is that it can be used to identify trends over time (1988, p. 37), a central aim of this research, but they said it does have a weakness in that content is often stripped of its context (1988, p. 37). The researcher noted this potential problem and has ensured that the general media agenda of the time is covered in each of the five case studies.

This thesis did not have as its goal a numerical-based approach to what the print media had said about the off-field behaviour of sporting icons, but rather a qualitative analysis using agenda-setting to assess the prominence of the articles on a range of criteria and framing

techniques to analyse the impact of the stories in various categories. However, reference will be made to the actual numbers of stories written about each of the events during the 'life' of the story, as part of an overall assessment of the relative importance of that story to the particular newspapers and to compare coverage between the various newspapers researched.

***The approach:***

While previous studies have used databases such as *Factiva* or *Lexis-Nexis* to identify material from a single or multiple media sources, this research, as explained earlier, used a different approach to identify times when the five central characters appeared in newspapers in stories involving their private lives. Biographies and autobiographies were researched to find appropriate events for further investigation. Newspapers from the particular time periods were located in libraries, photocopies made, and in some cases photographs taken, of all relevant categories of articles for detailed analysis.

Although counting the number of articles that appeared in the various newspapers during the designated periods for the stories on the five cricketers would lead to some general conclusions about the coverage afforded the nominated sporting icons, it was more illuminating to examine the 'what', 'how' and 'why' of the published stories. This analysis showed the breadth and depth of the coverage. Comparisons were made of the coverage afforded each. Selected stories were also analysed in detail for their respective 'treatment' – the placement of the story in the respective paper, the overall length, the size of the headline and the identity of the author. The stories were also analysed using framing theory to 'flesh out' further meaning from the texts. Kenix (2008) suggested that using content analysis to examine media frames is 'essential in uncovering the embedded and powerful meaning behind texts' (2008, p. 110).

Content analysis has long been recognised as a reliable research method for analysing material published in newspapers. It is considered unobtrusive because it involves the study of documents (newspaper content) and it is non-reactive since the content, in this case the various categories of newspaper stories – news stories, columns, editorials, letters to the editor or graphic material – was able to be examined after it had been produced. Content analysis is often ‘an end in itself’ in answering research questions. Krippendorff (1980) includes among its other distinctions that it can cope with large volumes of data and accepts unstructured material (1980, pp. 30-31) which are both relevant factors in the context of this research. Lowery and De Fleur (1983) said content analysis was ‘somewhat unique to communication studies’ and had played a central role in media research ‘from the beginning’ (1983, p. 364).

***Qualitative semi-structured elite interviews:***

A qualitative research approach was also chosen for the secondary phase of answering the research questions because of its ability to provide in-depth data that would best inform the study. The content analysis suggested possible lines of inquiry for the subsequent in-depth, semi-structured interviews. These interviews enabled the thesis to fulfil its stated aim of addressing the second and third research questions outlined in the opening chapter.

The two prevailing methods of data collection associated with qualitative research are participant and/or field observation and in-depth interviewing (Presnell, 2008, p. 89). This thesis employed the latter. Usually, qualitative research explores attitudes, behaviour and experiences through such methods as interviews (particularly relevant in this context) and focus groups. Qualitative research seeks out the ‘why’ of the particular topic through the analysis of unstructured information, like interview transcripts and field notes.

The qualitative research phase of this thesis involved semi-structured in-depth interviews with senior journalists, media commentators, journalism ethics academics and a former Australian cricketer-turned sporting commentator, to draw out their reactions to the results of the newspaper content analysis. The interviewees were chosen on the basis of their elite status in their respective fields. Rice (2010) selected elites for his research on the basis 'of their privileged knowledge and ability' to best answer his research questions (2010, p. 71). Mikecz (2012) characterised elites as those 'in the know' (2012, p. 483), while Harvey (2011) defined them as those occupying senior positions within organisations (2011, p. 433). As expected, an element of 'snowball interviewing' (Atkinson & Flint, 2004) featured in the choice of interview talent as some of those involved suggested others who might make a valid contribution to the research. The interviews were semi-structured in the sense that the groups – working media, academics and the lone sporting personality – were asked a similar set of questions, but their respective jobs and perspectives often led to different follow-up questions. The nature of the process allowed the interviewer, after nearly 20 years working in the media, and more than 30 years 'on the outside looking in' as both journalism lecturer and media ethics academic, to take the interviews in different directions, based on what the respective interviewee said, and what follow-up questions their responses prompted.

### ***The Interviewees:***

Three media staff were interviewed, a senior editor from the Fairfax organisation, a former newspaper owner / publisher and long-term media commentator from *News Corporation*, and a senior editorial staff member of the national broadcaster, the *ABC*. In other words, the three main employers of journalists were represented. Like all those interviewed, these three interviewees were happy to be identified with their respective opinions. They were:

- The then-editor of *The Age* newspaper in Melbourne, Paul Ramadge. At the time of the interview (October 20, 2011), Ramadge, 53, was in charge of one of the most influential newspapers in the country. Prior to that appointment he had worked for *The Newcastle Herald*, the *Dubbo Daily Liberal* and *NBN* television in Newcastle (Ramadge, 2011). He resigned as Editor of *The Age* in June, 2012, in the wake of a major restructure of the Fairfax stable of papers.
- The media commentator for *The Australian*, and former publisher of the now-defunct Melbourne-based down-market tabloid weekly, *The Truth*, Mark Day. He was interviewed on September 30, 2011. At the time, Day was 68 and had spent more than half a century in Australian media. He joined the Murdoch-owned Adelaide afternoon tabloid *The News* in 1960 and worked in various roles in the group until the late '70s, including a stint as their New York correspondent. He edited *The Sunday Mail* in Adelaide, *The Daily Mirror*, the defunct afternoon tabloid in Sydney, and for a time was the publisher and editor of *The Australian*. In 1978 he left the Murdoch group to join Australian Consolidated Press (ACP) – the Packer group – but lasted there only 11 months before he bought the *Melbourne Truth* which he owned and operated until it closed in 1995 (Day, 2011a). He returned to *The Australian* to write about the media in 1999, but in the interim worked for various radio and television stations in Sydney and Melbourne (Day, 2011a).
- The architect of one of the central theoretical planks of this research (the Taxonomy of Fame), the Director of Editorial Policies at the *Australian Broadcasting Corporation*, Paul Chadwick, was interviewed in November, 2012. It was decided to interview him after an assessment had been made of

the contributions of the other seven interviewees to the debate and what light that shone on the Taxonomy of Fame theory. Paul Chadwick was a journalist for 19 years and won Australian journalism's highest honour, a Walkley Award, for his investigative reporting before studying law and joining the Communications Law Centre as its Victorian Co-ordinator in 1989. It was in that capacity that he put forward the original Taxonomy of Fame theory with a colleague (Chadwick & Mullaly, 1997). He was part of the Committee that reviewed the AJA / MEAA Code of Ethics in the 1990s which led to the third and current version of the code ("MEAA Code of Ethics," 1999). From 2001 – 2006 he was Victoria's Privacy Commissioner, before taking up his then-current position at the ABC (*ABC Director of Editorial Policies Appointed*, 2006). As mentioned in the previous chapter he is now associated with the Australian online version of *The Guardian*.

Four journalism academics, all of whom had worked in mainstream media before entering academia, and all of whom have written on journalism ethics, were interviewed. Three are authors, co-authors or editors of Australian journalism ethics texts.

- Professor Stephen Tanner is one of the editors of *Journalism Ethics at Work* (Tanner et al., 2005). At the time of the interview (October 5, 2011), he was 53 and Professor of Journalism at the University of Wollongong. Professor Tanner worked for the Launceston daily, *The Examiner*, in the early '80s and wrote freelance for magazines before moving into political public relations to work for then-Tasmanian Premier, Robin Gray (1982 – 89). He later became editor of the *Tasmanian Business Reporter* monthly magazine before

entering academia, at first teaching politics and then journalism (Tanner, 2011).

- Professor Ian Richards was the author of *Quagmires and Quandaries: Exploring Journalism Ethics* (I. Richards, 2005). When interviewed, on November 29, 2011, Professor Richards was 61. He originally worked as a journalist in the United Kingdom before joining *The Advertiser*, the morning newspaper in Adelaide (I. Richards, 2011). Professor Richards is a leading media ethics researcher and journalism professor at the University of South Australia.
- Associate Professor Martin Hirst is co-author (with the researcher) of three editions of *Journalism Ethics: Arguments and Cases* (Hirst & Patching, 2005, 2007; Patching & Hirst, 2014). At the time of the interview, October 17, 2011, Dr Hirst was 54, and in charge of the journalism program at Deakin University in Victoria. He worked for the *ABC* and the *SBS* for a total of 11 years after completing an undergraduate journalism degree at the University of Technology, Sydney. His first teaching job was at Charles Sturt University's Bathurst campus in 1993 (Hirst, 2011). He later taught at three other Australian universities and one in New Zealand before returning to Australia to join Deakin University early in 2011.
- Dr Mandy Oakham, from the Royal Melbourne Institute of Technology, has written on media portrayals of 'bad boys' among sports personalities (Waller & Oakham, 2009). Dr Oakham was interviewed on October 20, 2011. At the time she was 55. Dr Oakham began her journalistic career at *The Newcastle Herald* followed by a stint at the defunct Sydney afternoon tabloid, *The Sun*.

She then spent a number of years working for magazines and newspapers in the United Kingdom where she was drawn into full-time journalism training. Her first tertiary teaching position was at Deakin University. She was, at the time of the interview, an Associate Professor at RMIT.

One former cricketer was interviewed:

- Fast bowler Damien Fleming was chosen because he was a compatriot of Shane Warne and was towards the end of his playing career when Michael Clarke was emerging. He is a cricket commentator for *ABC* radio in the current era. Fleming has also appeared on pay-TV *Fox Sports* channels commenting on cricket, AFL and sport in general. Fleming made his test debut against Pakistan in Rawalpindi in 1994, and played his last Test for Australia against India in Mumbai in 2001 ("Damien Fleming," 2012b). He took a coveted hat trick (three wickets from successive deliveries) on debut ("Damien Fleming," 2012a) and would have had a second against India in Adelaide in December, 1999, had Shane Warne not dropped a simple catch ("Damien Fleming," 2012c). After ending his international career, Fleming played state cricket for South Australia, and in the context of this research bowled a young New South Wales player, Michael Clarke, in a one-day game in Adelaide in late 2002 ("Damien Fleming," 2012b). [Michael Clarke would make his debut for Australia in 2004 ("Michael Clarke," n.d.)].

***Journalism as a research method:***

While tertiary journalism education in Australia can be dated back to 1919 (Patching, 1997, p. 9), it became more widely offered in the Colleges of Advanced Education (CAE) sector

under the Whitlam Labor Government in the early 1970s (Patching, 1997, p. 8). Since then academics teaching vocation-based journalism, as opposed to communication theory or cultural studies, have striven for recognition of journalism as an academic discipline and for their journalism-based research to be accepted as a research method (Nash, 2013a, 2013b). The field of journalism has long been considered a subject for academic research rather than being a research method (J. Hartley, 1995, p. 27). Cultural studies professor John Hartley famously referred to journalism as:

...a *terra nullius* (his italics) of epistemology, deemed by anyone who wanders by to be an uninhabited territory of knowledge, fit to be colonised by anyone who's interested (1995, p. 27).

The comment became part of the so-called 'media wars' debate of the second half of the 1990s which saw journalism academics defending, as they had been for the previous three decades, the idea that what was involved in producing works of journalism should be considered as an academic research method (Breen, 1998, pp. 1 - 14). It has only been in relatively-recent times that academics have suggested that the journalistic combination of deadline-driven, source-based, document-sifting, interview-oriented, multi-tasking research could constitute a distinctive research method of value to academic researchers, particularly those focused on journalism theory and practice (L. Duffield, 2009; Pearson & Patching, 2010). While journalism itself became the focus of serious academic research in Australia in the 1960's, it became politically important in the early part of the 21<sup>st</sup> century when the Australian government introduced the concept of the Research Quality Framework (RQF) (Bacon, 2006, p. 147). The RQF was replaced after the Howard government's electoral defeat in 2007 with the Rudd Labor government's Excellence in Research for Australia (ERA) initiative which also recognised 'non-traditional research outputs' (Pearson & Patching,

2010, p. 7). Reviewing the 2012 ERA round, media academic Gail Phillips (2013) characterised the latest findings as a case of 'lose a battle, win the war' in the growth of journalism into a self-sustaining discipline (2013, p. 7 & 9). Journalism ethicist Ian Richards (2013) characterised the situation as: 'the discipline is at last coming to terms with the sector and the sector is at last coming to terms with the discipline' (2013, p. 11). The debate on whether works of journalism are to be considered as academic research appears to have been won, and it is the contention of this researcher that the methods traditionally used by journalists for gathering, understanding and disseminating information are relevant to this research because the material analysed in the first phase was gathered using a combination of traditional journalistic methods and academic research methods and journalistic interview techniques were used as much as academic interviewing techniques in the elite interview stage. Journalism as a research method has been included in this thesis because it works to the writer's research strengths and experience.

***Data collection, storage and retrieval:***

Data retrieval for the five case studies was undertaken from public libraries (and in one case, Brisbane, from a University library) in five Australian capital cities, Adelaide, Melbourne, Sydney, Canberra and Brisbane during the period August to November, 2010. In Melbourne, data in the categories of printed news stories, opinion pieces, editorials and any illustrative material (cartoons or graphics) was collected from *The Sun News-Pictorial* and the *Melbourne Herald*, both now defunct and combined into the *Herald Sun*, *The Argus* (also defunct) and *The Age*. In Sydney, similar data was collected from *The Sun*, *The Telegraph* and *The Daily Mirror* (all now defunct) and the replacement for the latter two, *The Daily Telegraph*, *The Australian* and *The Sydney Morning Herald*. In Brisbane, data was collected

from the Queensland University of Technology library and was limited to stories that appeared in *The Courier-Mail* during the five selected periods. At the National Library in Canberra, photocopies of stories (and other appropriate newspaper material) were obtained for *The Canberra Times* and the morning newspaper in Adelaide, *The Advertiser*. The State Library of South Australia in Adelaide provided copies of appropriate stories from the now defunct afternoon tabloid, *The News*. *The Age*, *The Argus* and *The Sydney Morning Herald* and to a lesser extent *The Courier-Mail* and *The Advertiser*, as morning broadsheets (although both *The Courier-Mail* and *The Advertiser* converted to tabloid size in the first decade of the 21<sup>st</sup> century and prefer to be referred to as a 'compact', and *The Age* and *The Sydney Morning Herald* were converted to 'compacts' after the researched incidents) are considered papers of record. The others (with the exception of the *Melbourne Herald* which was an afternoon broadsheet) were afternoon tabloids in the Bradman, Miller and Chappell eras before the News Limited amalgamations of the early '90s converted the combined entities into morning tabloids. Tabloids have traditionally devoted more space to the 'less heavy' aspects of news coverage, concentrating on the lighter side of politics and sports coverage, and more recently to celebrity gossip. For them it is even better when the last two – sports coverage and celebrity gossip – can be combined in a story about a sporting celebrity behaving badly 'off the pitch'. Tiffen (1989) noted in his seminal work *News and Power* 25 years ago, the dominance of television news at the time had forced all newspapers into making substantial changes with the quality and popular papers changing in different ways in the previous quarter of a century (1989, p. 18) The quality papers (broadsheets) had moved into analysis, and what he termed 'the popular papers' (tabloids) into entertainment.

### ***Choosing the sample:***

As noted earlier, the incidents researched for this thesis were decided after researching biographies, autobiographies and other cricket texts about the five cricketers for details of times in their careers when their off-field behaviour made the news more than their performances on the field. The individual stories constituted the sampling units for the study. Once the time frames for the incidents involving Warne and Clarke were established, a *Factiva* newspaper database search was undertaken of all the 'modern-day' papers (*The Courier-Mail*, *The Sydney Morning Herald*, *The Daily Telegraph*, *The Age*, *The Herald Sun*, *The Canberra Times*, *The Australian* and *The Advertiser*) to obtain a summary of what coverage appeared on the chosen incidents. The lists were then used to search the papers themselves to obtain physical copies in the various categories of news stories, opinion / commentary pieces, editorials or illustrative material, for detailed analysis. Since not all the print media content from the Bradman, Miller and Chappell eras had been scanned into databases, the actual newspapers were researched in various state libraries, the Queensland University of Technology library and the National Library in Canberra. Copies of all the stories to be analysed were collected in hard copy form and filed under the name of the cricketer to which they referred for ease of retrieval and analysis.

The 65-year period under discussion has seen several papers cease publication and others amalgamated. As mentioned earlier, the papers researched included *The Courier-Mail* in Brisbane; *The Sydney Morning Herald*, *The Sun*, *The Daily Mirror*, *The Telegraph*, *The Daily Telegraph*, *The Australian* in Sydney; *The Melbourne Herald*, *The Age*, *The Argus*, *The Sun News Pictorial*, and *The Herald Sun* in Melbourne; *The Canberra Times*; *The News* and *The Advertiser* in Adelaide and all their respective weekend editions. The various newspapers of

the time were analysed for up to a maximum of two weeks from when the particular incidents were first reported. In the Miller case study, the papers were researched for the week before the incident at the centre of the research because so much was written about the cricketer prior to the incident, and nothing relevant after the initial reports of the chosen incident. Several of the incidents had a media 'life' of much less than a fortnight while the others dropped from the media agenda after a maximum of two weeks.

***Coding:***

Following the protocol used by Eagleman (2008, p. 50), and tailoring the content analysis to a consideration of newspapers rather than in Eagleman's case, sports magazines, each article chosen for more detailed research was categorised under newspaper name, date of publication, title of the article, author name, story prominence (where in the newspaper the stories were located, including starting page if the story was carried over to other pages), and story size (the number of paragraphs in each story). As well, other potential categories were noted that would qualify as either information or context units, including the use of a cartoon accompanying the story, whether the story was a feature or an opinion piece (by a sports reporter, media commentator or former or current sporting personality), an editorial about the incident or a news story, and whether it prompted letters to the editor. Like Connors (2005, p. 30), opinion pieces, or columns as he calls them, were analysed differently from the news stories of the events because of their inherent opinionated nature, as were any editorials, letters to the editor or *Vox Pops* (public opinions usually gained by interviewing people in the street). While a number of journalist 'frames', such as hero, villain, victim, conflict, responsibility, human interest, 'bad boy' behaviour, economic consequences and morality suggest themselves from the Literature Review, comment was

made on the general tone of the overall coverage in each case, and one story from each case study was examined in detail to determine the way it had been framed.

The interviews were coded according to their relevance to the research questions and hypotheses and other ancillary questions arising from them. Each of the interviews was transcribed and then collated question by question. This enabled an analysis of the range of journalistic, academic and personal opinions about the issues raised by the content analysis.

***Validity and Reliability:***

Important methodological issues span the processes of data collection, management and analysis. They include the issues of validity and reliability, which have been the subject of semantic debate between quantitative and qualitative researchers (Williams et al., 1988; Willis, 2007; Wimmer & Dominick, 2011; Yin, 2011). But they agreed that 'validity' refers to the level of academic rigor of the research process. Wimmer and Dominick suggested that validity be defined 'as the degree to which an instrument actually measures what it sets out to measure' (2011, p. 175). Yin (2011) said that a valid study was one where the 'conclusions accurately reflect and represent the real world (or laboratory) that was studied' (2011, p. 78). It also relates to the procedures used for obtaining information so that appropriate inferences and interpretations can be made (Riffe et al., 2005, p. 156). The concept of triangulation has been described as the 'qualitative equivalent of validity and reliability' (Willis, 2007, p. 218). But Willis said that triangulation had picked up another meaning:

It came to mean that many sources of data were better in a study than a single source because multiple sources lead to a fuller understanding of the phenomena you are studying (Willis, 2007, p. 219).

There are several forms of triangulation – of methodology as mentioned earlier in this chapter – but also across sources of information – like interviews with three different types of interviewees, as undertaken in this research – and across studies, like the five case studies (Willis, 2007, p. 219).

As far as the grounded theory aspect of this research is concerned, Strauss and Corbin (1990) offered several strategies for validation and verification of the accuracy of findings, including referring to the literature in appropriate places to validate the accuracy of findings (1990, p. 52), verifying hypothesis against the actual data (1990, p. 107), and the seeking out of explanations as to why particular cases might not fit the developing theory (1990, pp. 139-140).

After deciding on the sample and population for the study for a content analysis study, the next step was to establish reliability procedures. According to Riffe, Lacy and Fico (2005), the three-step process of establishing reliability involves the definition of the categories and sub-categories to be used in the study, the training of coders to apply these definitions to the population of the study, and using coder reliability tests to determine the reliability of the results (2005, p. 122). The categories chosen, as previously mentioned, involved various ways of gauging the relative importance of the story to the newspaper, characterised by the 'play' given it in the various papers, and the various styles or types of stories, like news stories, commentary or opinion pieces, editorials, letters to the editor and illustration, like cartoons. All these processes were undertaken by the researcher, so they did not pose any of the problems associated with multiple coders. Morse (1994) saw it this way:

No one takes a second reader to the library to check that he or she is interpreting the original sources correctly, so why does anyone need a reliability checker for his or her data? (Morse, 1994, p. 231).

***Ethical considerations:***

The initial phase of the research involved a content analysis of specific time frames in selected newspapers, and as such was unobtrusive and non-reactive since it involved written material (as opposed to human involvement), examined after it had been produced. Bond University ethical clearance was obtained for the second phase of the research, the semi-structured interviews with senior media staff and commentators, journalism ethics academics and a sporting personality. The researcher used previous successful research applications as models for his ethical clearance application. The Bond University ethics clearance obtained was number RO-1214.

***Limitations:***

Some potential limitations of this project need to be noted. Morse (1994, p. 225) suggested that 'qualitative research is only as good as the investigator'. She then listed what this researcher considered were the attributes of a good journalist – versatility, patience, persistence, meticulousness and the ability to recognise leads – as the key requirements in a qualitative researcher (Morse, 1994, p. 226). In considering frames, Tankard (2001) suggested 'there was a danger in this kind of lone-scholar analysis that the identification of a set of possible frames can be done arbitrarily' (2001, p. 98). This could lead, in the eyes of Matthes and Kohring (2008) to conclude that 'researchers run the risk of finding frames they are consciously or unconsciously looking for (2008, p. 259). This potential problem is negated by nominating from the beginning of the research that detailed framing analysis would not be undertaken of all the subject matter of the case studies, but rather used in one instance in each case study as an indication of the overall tone of the coverage. Selected frames have already been chosen in order to extract data from the five historical

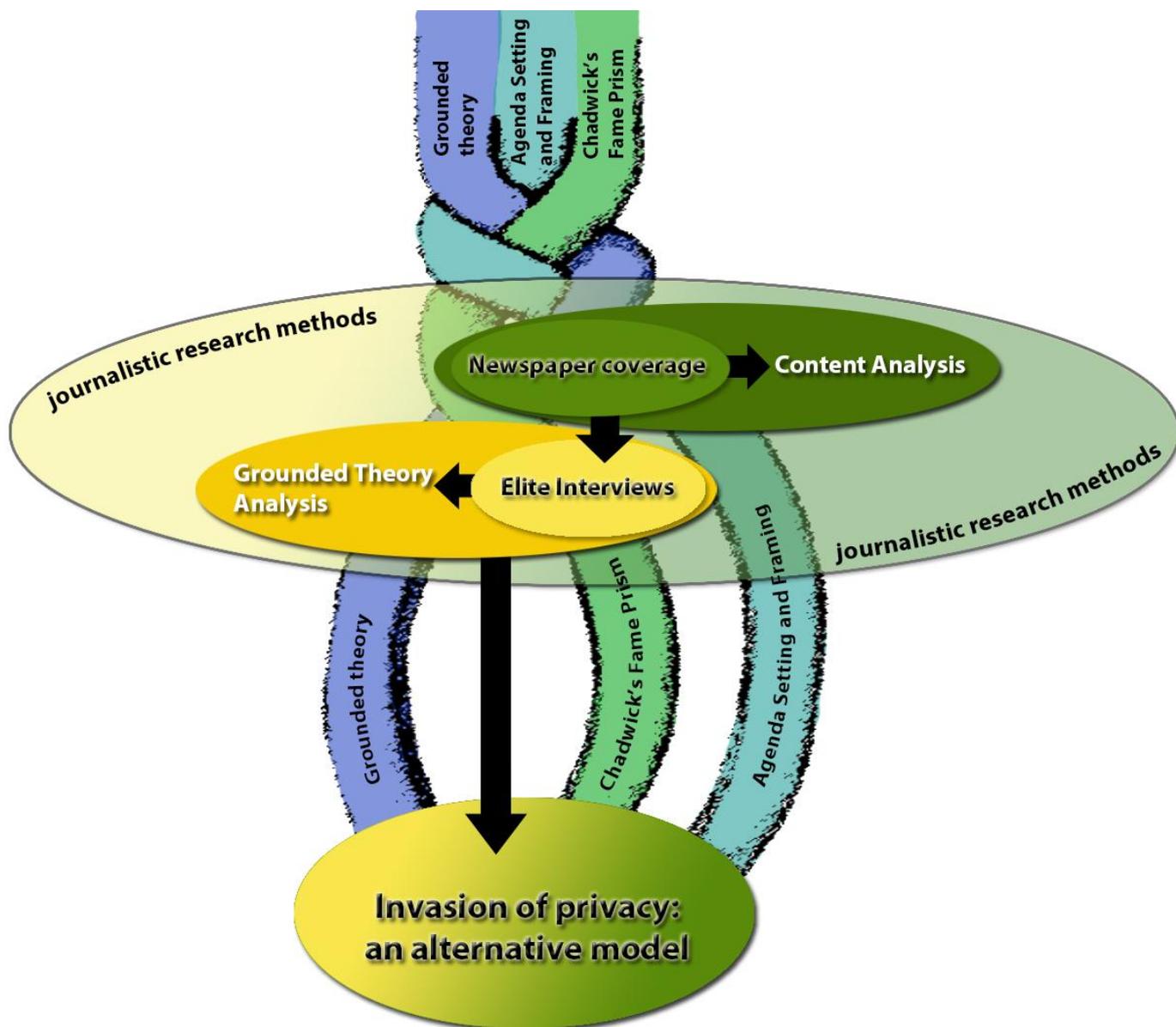
periods between 1945 and 2010. Specific times in specific papers were chosen in order to examine their coverage of a particular incident in depth.

Another possible limitation could be seen in the researcher's prior experience in media and journalism education as it has the potential, in Pearson's view (1997), to both enhance or detract from the study (1997, p. 121). As has been noted earlier, this researcher has nearly 20 years' experience as a working journalist, and more than 30 years' experience as a journalism educator and ethics researcher and publisher and believes that his background experience enhances the research.

There can be limitations, too, in case study research as it cannot be used to make generalisations. In this instance the case studies are limited to one sport, and to only five players in that sport, and as such the findings cannot be generalised. However, cricket is the major summer sport in Australia and a major sport in England and elsewhere. The stature – and therefore media and public interest – of the five selected cricketers is without peer. These players have been carefully selected, reflecting their presence in the literature and popular culture across several decades. Bradman was the benchmark for batting in his time and Warne is considered by most modern commentators as the best slow bowler the country has produced. Miller, Greg Chappell and Clarke have been, or are, considered to be among the world's best of their respective eras. It is contended that they are truly representative of sporting icons of their eras and qualified for in-depth research as part of the first phase of this thesis. Research into how their private lives were covered by the print media influenced the questions asked during the semi-structured elite interviews in the second phase of the research. While the findings may not be able to be generalised across all sports, the study will nevertheless raise ethical issues that have broader application

across media activity, procedures, policy and training, as well as a deeper understanding of the relationship between the news media and the private lives of sporting celebrities.

Diagram one (below) represents the fusing of the theoretical approaches taken in this thesis and the methodology that was adopted. It indicates the inter-twined nature of the research. It shows how agenda setting and framing have been combined with Chadwick's Taxonomy of Fame and grounded theory to be applied to the content analysis of the chosen newspapers, leading to the questions for the elite interviews and the creation of a new approach to the coverage of the private lives of sporting celebrities. Journalism as a research method has been involved in the analysis of the newspaper content, in the interviews with the experts, and in the final development of the alternative theory.



**Diagram 5:1: A diagrammatic representation of the intertwining nature of the theoretical approaches and methodologies employed in this study.**

***Looking forward:***

The following five chapters discuss how the chosen incidents in the private lives of the five famous Australian cricketers stretching over six-and-a-half decades were covered in the

print media of the time. Three of the cricketers chosen for study were to receive Australia's highest sporting honour – of captaining the national team -- often referred to, only half-jokingly, as the most important job in the country. The other two aspired to the honour but did not reach that sporting pinnacle arguably because of their behaviour off the playing field. The series begins with Australia's best known cricketer, **Sir Donald Bradman**, a batsman without peer, national captain from the '30s to the late '40s and long-term cricketing administrator. The discussion centres on a little-reported incident during the latter stages of World War II when Bradman was working for a stockbroking firm in Adelaide that went bankrupt.

While Bradman enjoyed a relatively 'squeaky clean' public and private reputation during his long involvement with cricket, the same cannot be said for the subject of the second case study and one of his contemporaries in 'The Don's' later playing years, the flamboyant all-rounder **Keith Miller**. He was described by one of his sons, Bill, as making 'Shane Warne look like an altar boy' ("The Millers Tale part 1," 2009). The incident to be examined in that case study took place during the 1956 Ashes tour of England and involved a member of the British Royal family, Princess Margaret, the younger sister of the Queen.

The subject of the third case study is former Australian captain of the late '70s, **Greg Chappell**, known by cricketing purists as a stylish batsman and talented captain. But to the general cricketing public he is best remembered for the infamous 'underarm incident' during a one-day game against New Zealand in Melbourne in 1981, an incident he acknowledges he won't be allowed to forget (Chappell, 1981, p. 9). But that was on the field. The researcher chose an incident after Chappell retired from international cricket that typified the celebrity / privacy situation of the time. In a hallmark case, Chappell took the *Channel Nine* current affairs program, 'A Current Affair', to court and was successful in

preventing it from broadcasting a story about an alleged former lover ("NSWLR 153," (1988)). If Bradman was the most popular cricketer of his time, so was modern-day spin bowler, **Shane Warne**, the subject of the fourth case study. He enjoyed enormous popularity during his career (and to a slightly lesser degree, ever since). He played for Australia from 1992 to 2007, but created almost as many headlines for his off-field behaviour as he did for his prowess with a cricket ball. The incident chosen for closer examination in that case study involved him sending erotic text messages to a British nurse in 2000, an incident that led to his being stripped of the Australian vice-captaincy ("Should Shane Warne have been axed as vice-captain?," 2000) and effectively ending his dream of becoming the national captain.

The final case study involves the current Australian captain, **Michael Clarke**. No off-field Australian sports story received more coverage in early 2010 than Clarke's break-up with his fiancée, model Lara Bingle (Webster & Sharp, 2010) and print coverage of that incident will be examined.

***Case study format:***

The five case studies will follow a similar format. Each will include a brief summary of the particular incident and what is special about it, in other words, the reason it was chosen. They will begin with background on the particular cricketer and their place in cricket at the time and the opinion of experts on their contribution to the game. The case studies will also include a brief mention, where appropriate, of that era's attitude towards privacy.

There will also a brief background of the period – the incident involving Don Bradman, for instance, occurred in the closing months of World War 11 and that may have influenced the degree of coverage – followed by discussion of the various newspapers' handling of the particular story. One article from each incident will be analysed in depth to establish how

stories of the time were 'framed' to give an indication of any underlying messages in the texts.

Coverage of the particular incident will also be analysed through the ethical lens of Chadwick's categories of fame (Chadwick, 2004) and the appropriate Australian Journalists' Association (later the Media, Entertainment and Arts Alliance) Code of Ethics. The case studies cover three different iterations of the Code of Ethics: the 1945 - 84 version (Report of the Ethics Review Committee, 1997, p. 121), the 1984 - 99 version (Report of the Ethics Review Committee, 1997, pp. 122 - 123) and the current version ("MEAA Code of Ethics," 1999). Each is slightly different in the way it addresses the issue of privacy. Mention will also be made in discussion of the final two case studies as they relate to the 1997 recommended revised Code of 20-points (Report of the Ethics Review Committee, 1997, pp. 124 - 126) which finally resulted in the current (as of mid-2014) 12-point code. Discussion of the issues arising from each incident will be taken up in the final chapter of the thesis.

As was mentioned earlier, newspaper coverage was chosen as the mode for comparison because it was the one constant news source during the 65-year period under review.

Newer forms of mass and social media communication have had their impact to varying degrees on some of the cases under discussion and will be addressed where appropriate.

***Interview format:***

Appendix 1 (pages 356 - 360) shows the general format of the interviews. They covered seven topic areas. The interviews were undertaken in a semi-structured format and lasted between 35 and 63 minutes. Each interview began with general biographical details of the interviewees followed by a discussion of the media's coverage of the private lives of celebrities in general, and sporting celebrities in particular; the differences between tabloid and broadsheet coverage in print and online; their experience, if they had any, of

interviewing celebrities; their views on the Australian Law Reform Commission's proposal for a tort for Serious Invasion of Privacy; their views on the impact on privacy intrusion of the 24/7 news cycle, social media platforms such as Facebook and Twitter; and their reaction to stories about the private lives of Warne and Clarke. The final question involved seeking the interviewees' comments on a seven-level 'invasion of privacy' scale (detailed in page xyz in chapter 11) devised by the researcher to establish where they would 'draw the line' and not publish material from any of the categories listed.

The interviews were tailored 'on the run' in accordance with the 'journalism as a research method' methodology outlined above. When an interviewee offered a particular insight, that aspect was explored further before continuing on to the next topic area. Some subsidiary questions were not asked because the interviewee had already covered them in a previous response.

All but one of the interviews was undertaken in late 2011. Mark Day was interviewed in Sydney on September 30 and Steve Tanner in Wollongong on October 5. Four were interviewed in Melbourne – Martin Hirst on October 17, Damien Fleming the following day, and both Paul Ramadge and Mandy Oakham on October 20. Ian Richards was interviewed in Adelaide on November 29.

Because some of the original concepts on privacy invasion (The Taxonomy of Fame) expounded by Paul Chadwick (and colleague Jennifer Mullaly) were central to the theoretical framework of this research, it was decided to delay interviewing him until themes had emerged from the other interviews that could be further explored with him. Chadwick was interviewed in Sydney on November 21, 2012.

***Summary:***

This chapter outlined how a combination of methodologies was used to answer the various research questions and hypotheses. It explained how a combination of content analysis and qualitative research methods, and journalism practice as a research method, were used in the chapters that follow. The chapter also examined how the data was collected, how the particular case study incidents were decided upon, how the information was coded, gave consideration to validity and reliability, the ethical clearance from Bond University for the in-depth interviews and possible limitations to the research. Finally, the chapter outlined the format of the five case studies that follow, beginning in chapter 6 with the incident involving Don Bradman.

## Chapter 6

### Case study 1: Don Bradman

#### *Introduction:*

The next five chapters take the form of case studies each looking at an incident in the private life of a popular Australian cricketer in the period 1945 – 2010. Each involves an incident chosen after extensive research as an example of how the newspapers of the respective day covered the particular incidents. Each chapter aims to answer the first research question of this thesis and the first two hypotheses. The first research question asks: What differences are there between newspaper coverage of the private lives of cricket stars in Australian newspapers over selected decades from 1945-2010? The first hypothesis postulates that ‘the way the private lives of sporting personalities have been covered in newspapers has become more invasive since the 1940s’. The second suggests that ‘Case studies of the selected Australian Test cricketers will show that in the 1940s and 1950s the off-field indiscretions of top cricketers were rarely reported in depth, whereas for the rest of the 20<sup>th</sup> century, and the first decade of the 21<sup>st</sup> century, they were reported extensively by the print media’.

Each case study follows the same format, starting with background on the particular cricketer, followed by details of the incident to be discussed. Where appropriate a discussion of the public attitude towards privacy invasion at the time is included. All five case studies will give an overview of the era in the media to show what other news events were competing for space with the incident under review. Major newspaper coverage of the particular incident will be analysed, including a detailed examination of one of the

newspaper articles. Each case study will conclude with a discussion of the appropriate MEAA Code of Ethics and Chadwick's Taxonomy of Fame theory as they relate to the relevant content analysis.

***The cricketer: Sir Donald Bradman***

While it is recognised that it was the experience of the Anzacs in World War 1, and in particular of Simpson, 'the man with the donkey', that first announced Australia's arrival on the international stage, Hutchins (2002b) said Bradman had a big impact on the British Empire:

It is not until Bradman in the 1930s that another person makes such a resounding, unequivocal and widely publicised statement of Australian competitiveness, success and independence to the world, or at least to the Empire, which constituted the parts of the world that mattered to many Australians at the time (Hutchins, 2002b, p. 17).

His Test cricket average of 99.94 runs per innings is far higher than any other batsman before or since (shorter versions of the game were not played in Australia in his time, with the exception of the four-day state-against-state Sheffield Shield competition). West Indian batsman Sir Garfield Sobers had an average of 57.78, South African Graeme Pollock averaged 60.97, and former Australian Test captain, Greg Chappell 55.86 (Hutchins, 2002b, p. 20). Bradman played 52 Tests for Australia, many as its captain, scored 6996 runs with that average, as noted, of 99.94 and a highest score of 334. He rarely bowled. In those 52 Tests he bowled in only 9 innings, took 2 wickets at an average of 36.00 with a best innings return of 1/8 ("Sir Donald Bradman," n.d.).

The modern cricketer Bradman thought most resembled his batting style, India's Sachin Tendulkar ("Bradman never missed a Tendulkar innings in last five years," 2001), achieved a

test average on his retirement after his 200<sup>th</sup> Test in mid-November, 2013, of 53.78 ("Sachin Tendulkar," n.d.). Bradman's average was at least half-as-much-again above his nearest rivals. He simply excelled with the bat. During the Great Depression of the late 1920s and early '30s, he lifted Australians' collective spirits. One win against 'the old enemy', the English, during the Depression, at the spiritual home of cricket, Lord's ground in London, included 254 by Bradman, at the time the highest Test score against the English. The reaction in Australia was, according to Harte and Whimpress (2008), remarkable:

In Sydney, where news of the victory arrived before dawn, thousands of people waited outside the offices of the *Sydney Morning Herald* for the scores to be posted on a board. With so many out of work, a new young hero was just what they wanted (Harte & Whimpress, 2008, p. 325).

Fraser (2005) said it was the Depression that made Bradman:

Without the world-wide economic depression, Bradman could not have emerged as a hero of the popular culture, giving living proof to Australians that their nation could still achieve greatness (Fraser, 2005, p. 357).

Had it not been for Bradman's batting ability, there would have been no need for the English to develop the 'leg theory' attack to neutralise his run-accumulating prowess that led to the infamous 'Bodyline' Ashes series in Australia in 1932-33 (Fraser, 2005, p. 357).

Some sporting greats are so dominant that they force a change in the way the game is played. Bodyline was meant to nullify Bradman, but was later banned because of the physical danger it posed for batsmen.

As David Frith noted in the foreword to *The A-Z of Bradman* (Eason, 2004), there are 'enough biographies of Bradman to prop up the car, with a volume or two to spare, while you change a wheel' (2004, p. 6). Hutchins (2002b) listed 55 books about Bradman, his

contribution to cricket, and his ideas on how to play the game, written between 1930 and Bradman's death in 2001, including eight fully, or partly, written by the cricketer himself (2002b, pp. 170 - 172).

Bradman is the only Australian cricketer knighted for his contribution to the game. His Test average forms the post office box number for the national broadcaster, the *Australian Broadcasting Corporation (ABC)*, in each State and Territory, such is the reverence with which he is held. Until 2010 his was the only name protected from unauthorised use by federal law ("Corporations law changed to protect Bradman's name," 2000). Prime Minister Julia Gillard announced in late 2010 that the then soon-to-be-canonised Mary MacKillop would join Bradman as the only Australians for whom federal government approval would be required for companies wanting to use their name or make reference to it in their name or products ("Government to protect MacKillop's name," 2010).

Bradman was known as an intensely-private man, happily married. Hutchins (2002b) said of his post-playing career:

Bradman maintained an air of decency and moral rectitude for fifty years or more from the end of his playing career until his death. There were no bouts of alcoholism, ugly public divorces or family feuds played out in the media (Hutchins, 2002b, p. 24).

Hutchins was referring, primarily, to the post-playing lives of other prominent Australian sporting personalities, including the subject of the next case study – Keith Miller. It was only after Bradman's death that a story emerged about a family feud (Nason, 2001a).

The tributes that flowed after Bradman's death on Sunday, February 25, 2001, aged 92, more than half a century after the end of his international playing career, gave an indication of the revered position Bradman held in Australia and among cricket lovers in other

countries, particularly India. *The Sydney Morning Herald* editorialised how his life fused 'nationalism and sport in an heroic way that has now been lost forever to the trivialities of commercialism and celebrity' ("Vale Don Bradman," 2001, p. 12). A day later, John Huxley (2001), writing for the same newspaper, lamenting that there had been no hero like him – 'not Dame Nellie Melba, not Henry Lawson, not Phar Lap', added:

And there may be no hero like him in the future where intrusive media probes for flaws, where everyone can pay to be his or her own hero, and where celebrity is more likely to be attributed to hype than heroism (Huxley, 2001, p. 1).

Cricket writer / commentator and former English county player, the late Peter Roebuck, in his tribute to the Don said he stood 'far ahead of his peers':

He was the definitive expression of batsmanship, a player in control of himself, quick of judgment, alert of foot and eye, precise of execution, strong of mind and limb. He had a ruthlessness about him (Roebuck, 2001, p. 6).

He was mourned in India, too. The President of the Cricket Club of India, Raj Singh Dungarpur referred to him as the 'only legend of cricket' (cited in Coward, 2001, p. 20) and added:

He was the god, guide, friend and philosopher of cricket, the greatest batsman the game has produced and an outstanding administrator responsible for eradicating chucking [throwing] from Australian cricket. He also wrote the bible of cricket 'The Art of Cricket' (cited in Coward, 2001, p. 20).

Of relevance to the context of this thesis was another of Roebuck's observations about the man:

(H)e led a simple life, kept his dignity, avoided the back-slappers, was not drawn to the celebrity trail or to exploiting his name, though countless opportunities arose (Roebuck, 2001, p. 6).

***The incident:***

‘It’s not cricket’. Everyone knows the meaning of these words. They embody the ideals of fair play, ‘gentlemanly’ behaviour and ‘good sportsmanship’ (Fraser, 2005, p. 1)

The incident to be examined in this study was the involvement of the person still considered to be Australia’s greatest cricketer in the 1945 collapse of the Adelaide stockbroking firm, Hodgetts and Company. The company was declared bankrupt in early June, 1945, with debts of £82,854 and 238 unsecured creditors. It was the biggest financial scandal in South Australian history to that time (Hutchins, 2002b, p. 155). A comparison of the wages then with modern-day indicates the scope of the financial collapse. Average weekly earnings in 1945 were approximately £7.15 shillings ("Wages - Australia and overseas," n.d.), which equates to an annual wage of about £403. So the losses by Hodgetts and Company represented about 205 years’ average earnings for mid-1940s Australian workers. Average weekly earnings in Australia in May, 2013, were \$1,105.20 ("Average Weekly Earnings, Australia, May 2013," 2013), an annual wage of about \$57,470. In today’s terms, the losses would roughly equate to about \$11.8 million, a huge loss for a leading stockbroking firm. The collapse was given scant coverage at the time. The story lasted only two days – Monday, June 4, and Tuesday, June 5, 1945. It was not until nine months after Bradman’s death in 2001 that more information about the incident emerged in ‘The Don we never knew’, a cover story in *The Weekend Australian’s* magazine (Nason, 2001b, p. 1). The sub-heading to the story read: ‘How a national hero exploited a great Australian financial

scandal to launch his business career' (Nason, 2001b, p. 1). It had been Harry Hodgetts, a member of the South Australian Cricket Association and the Australian [cricket] Board of Control, who had offered Bradman a position in his firm in early 1934 – a six-year contract at £600 a year and a new car – that sponsored his playing for the state (Eason, 2004, p. 164). Bradman took up the offer the following year. Nason suggested Bradman received special treatment from the Adelaide Stock Exchange, being allowed to take over the business in the same midtown Grenfell Street premises from which Hodgetts had traded and also being allowed to take with him the company's valuable client list, all at no cost to the cricketer (2001b, pp. 22 - 25). On the day before the damaging 2001 revelations, there had been another story in *The Australian* about how Bradman had written to 'thousands of cricket lovers but presented a colder face to some of his family' referring to 'the gulf between what he felt about his family and his attitude to his adoring fans' (Nason, 2001a). As Brett Hutchins noted in his doctorate on Bradman (Hutchins, 2002a) and later book (Hutchins, 2002b), the question in Adelaide business circles ever since has been whether Bradman, who was second in charge of the firm and Hodgetts' friend, had any prior knowledge of the pending collapse (Hutchins, 2002b, p. 155). Taken together, Nason's stories presented a picture of Don Bradman at odds with the popular image of the honest and morally-upright cricket icon. There was plenty of support for 'The Don' at the time of the 2001 stories, but that is not what this research was about.

While it might be argued that this incident involved Bradman's 'public life' as a leading employee of a prominent South Australian stockbroking firm, in the context of this thesis it has been chosen because it took place away from the playing field, during the latter stages of the Second World War when he was not playing, and had nothing to do with his

cricketing prowess or profile. It was chosen because of what it demonstrates about the life of the famous cricketer away from the game.

***Background of the era in the media:***

The incident under discussion occurred in the final months of the World War 11. On the day the news broke of the demise of Hodgetts and Company, Monday, June 4, front pages in the Eastern states were dominated, as they had been for the past six years, by news of the war. The failure of the company had been announced to the Adelaide Stock Exchange on the previous Saturday, but the story appeared first in morning papers on the Monday. Because of the frugal times and the wartime scarcity of paper, newspapers of the time were small by modern standards. On the day the financial scandal broke, the broadsheets were relatively small. *The Canberra Times* had only four pages, *The Courier-Mail* six, *The Advertiser* 10 and *The Argus* 16. The tabloid *Sun News Pictorial* ran to 16 pages. This was also a period when reporters were seldom rewarded with by-lines on their stories. Most war coverage, for instance, was provided by the newsagency, *Australian Associated Press*. As an example, *The Courier-Mail*, on that early June day, had 20 large and small stories on its broadsheet front page – 12 (or 60%) of which were supplied (and by-lined as such) by AAP ("The Courier-Mail," 1945). It was also a time when there was limited story exchange between the states and between media organisations and there were no interstate ownership links between the papers. Morning or afternoon papers would exchange by telex (like long telegrams) their main stories with publications in other states, but it was nothing like the sophisticated modern-day story exchange arrangements between the major media players, News Limited and Fairfax, and the commercial and public radio and television networks.

Half of the 12 newspapers from the Eastern states (and one territory) and South Australia researched for this thesis ignored the Hodgetts story on June 4. For example, *The Courier-*

*Mail* in Brisbane concentrated its front page on news from the war in the Pacific ("Slaughter of Japs in Okinawa," 1945, p. 1); *The Canberra Times*, another morning broadsheet, ignored the Hodgetts story, too, and while two of the main stories on page one dealt with news from the Pacific, it led with a disturbing story from the Middle East ("British find unburied dead in Damascus," 1945). Unlike modern-day broadsheets, which seldom have more than half a dozen stories on their front pages, during the War the broadsheet front pages, while carrying several stories in depth across the top half of the page, would have up to 15 more stories, some of only one or two sentences, on the bottom half of the front page, or 'below the fold' as it is referred to in the print media.

Almost all of those smaller stories, too, as typified by *The Courier-Mail* and *The Argus* of June 4, dealt with aspects of the war. It was surprising to find that only four of the interstate (non-South Australian) papers could find room for a couple of paragraphs, a popular story-length at the time, to record a major financial scandal, and the involvement of the nation's best-known sporting personality.

In those grim war days, finance news dominated page two and / or page three in most of the papers and included lengthy stock exchange reports and company news. Page three usually also carried what is referred to as 'general news', which at that time meant stories not about the war. All the papers published more general and social news, advertising (mainly for the major department stores), and limited local sports news on the remaining pages. The tabloids (like Melbourne's *Sun News Pictorial*, Adelaide's *News*, and Sydney's *Daily Telegraph*, *Daily Mirror* and *The Sun*), unlike their modern counterparts where one story covers either all or most of page one, gave the front page splash to the major story of the day, while covering several other stories there, too. Like the broadsheets of the time, they were dominated, understandably, by war news. None of the papers researched for this

thesis carried an editorial, feature or opinion piece, or cartoon related to the Hodgetts story.

Table 1 at the end of the chapter lists all nine stories published in the newspapers researched for the two-day 'life' of the story. Similar lists appear at the end of each of the case study chapters to detail all the mentions of the particular incident to appear in the researched newspapers. The news of the major South Australian financial scandal was covered in only half of the 12 newspapers researched.



Figure 6:1: The front page of the Adelaide afternoon newspaper, *The News*, on June 4, 1945, the day that news of the collapse of the Hodgetts' stockbroking firm broke in the media. It was the largest coverage of the story.

### ***Newspaper coverage:***

The first news story on the collapse of Hodgetts was carried in Adelaide's morning broadsheet, *The Advertiser*, in a relatively-brief single-column spread inside the paper, and it made no mention of any involvement in the company by Don Bradman ("Broker's estate Sequestered: Unable to meet commitments," 1945, p. 2). The front page was devoted to war news. While the company announced its demise to the Stock Exchange on the Saturday, *The Advertiser* story would have been written on the Sunday for Monday morning's paper. Given the home-town interest and the two high-profile people involved, one of Adelaide's leading stockbrokers, and the nation's top cricketer, the city's afternoon broadsheet (later tabloid), *The News*, carried the story about the collapse on page one, with mention of Bradman having been lured to Adelaide by Mr Hodgetts and that he was a staff member, but not a partner in the business. It was the only paper to give the story front page treatment in the period under review ("Deficit believed to be £75,000 ", 1945, p. 1). The coverage filled most of the eighth and final column on page one. The major stories on the remainder of the front page were longer and dealt with aspects of the war ("Americans control vital bay on Okinawa," 1945; French get out of towns in Syria," 1945; Key hill taken on Tarakan," 1945; Why Hitler Did Not Invade After Dunkirk," 1945). The financial collapse story was the only non-war story on the paper's front page that day. It carried a single-column head-and-shoulders picture of 'Mr H. W. Hodgetts' at the top of the story and above the headline, and two sub-headings, referred to as 'crossheads', one of which noted 'Bradman Not Partner' ("Deficit believed to be £75,000 ", 1945, p. 1). While noting in bold type that the financial crash was 'one of the biggest in the history of South Australia', the story introduced Bradman's involvement in the company in the fifth of 15 paragraphs:

Mr Hodgetts is well known as the man who induced Mr Don Bradman, the world famous cricketer, to come to South Australia. He introduced him into the stock and sharebrokers' business and employed him in his office ("Deficit believed to be £75,000 ", 1945, p. 1).

That paragraph appeared before the aforementioned 'Bradman not partner' sub-heading. The story then went on to quote Bradman as distancing himself from the failed company by saying he was not a partner in the business and had no financial interest in it. He was also quoted as saying he was beginning business immediately under his own name at the same address as the failed company. Bradman said he had a seat on the Adelaide Stock Exchange in his own right and it was in no way connected with Hodgetts and Co ("Deficit believed to be £75,000 ", 1945, p. 1). The references to Bradman's involvement in the story represented about a quarter of the content. It would emerge later that his client list was that of the failed company.

The Melbourne morning tabloid, *The Sun News Pictorial*, carried a 'Sunday' dateline with a five-paragraph version of *The Advertiser* story on an inside page, but included the additional information that Hodgetts was one of the largest stockbroking firms in Adelaide (which did not feature in *The Advertiser* version, presumably because local readers would know that, but gave added context and background for a Melbourne reader), made the connection between Hodgetts and the cricket establishment (both local and national), and was the only paper to identify Bradman specifically as the 'former Australian Test captain' ("SA Broker's Estate Sequestrated," 1945, p. 3). It was also the first to suggest in print that Bradman was contemplating opening up business on his own account ("SA Broker's Estate Sequestrated," 1945, p. 3). The Melbourne morning paper, perhaps because it was a tabloid with a major interest in sports news, made more references to Bradman and cricket than the morning

publication in Adelaide. While the majority of *The Sun News Pictorial's* story would have been provided by *The Advertiser*, it was the Melbourne paper that first published the connection between the failed company and Australia's best-known sportsman.

Likewise, the Melbourne morning broadsheet, *The Argus*, led its front page with war news ("Mightier blows in Pacific," 1945, p. 1), but also published a brief, single-column story inside the paper recording the demise of the company and also noted Hodgetts' connection with South Australian and Australian cricket ("Adelaide broker's estate sequestrated," 1945, p. 3). The only mention of Bradman came in the fourth paragraph, and then only a passing reference that did not specifically make the connection to Bradman the cricketer, although it could be assumed readers would know the name:

When D. G. Bradman first came to Adelaide in 1935 it was as a salaried member of the firm H. W. Hodgetts and Co. ("Adelaide broker's estate sequestrated," 1945).

Although *The Argus* was published in Melbourne, and the story carried no dateline of Adelaide, it is interesting they used the phrase 'When D. G. Bradman first came to Adelaide' inferring that the story had been written from the South Australian capital. This researcher would have assumed that a story without a specific dateline of Adelaide that was published interstate might have referred to 'first went'.

Only four newspapers—the morning and afternoon papers in Bradman's home town of Adelaide, and the morning and afternoon broadsheets in Melbourne — carried the story on the first day and all but *The Advertiser* made the connection between the failed stockbroking firm and the national sporting icon. In the Adelaide afternoon tabloid, *The News*, the journalist was at pains to distance Bradman from any responsibility in the failed firm, and in the other three, *The Argus* and *The (Melbourne) Herald* and *The Sun News Pictorial*, Bradman was mentioned as a 'salaried member of staff', and in the *Herald's* story

Bradman was quoted on his plans to open his own firm 'immediately' ("Broker's £75,000 crash," 1945, p. 3). *The (Melbourne) Herald* at the time was an afternoon broadsheet later to be combined with *The Sun News Pictorial* in the early 1990s to form the nation's highest-selling daily newspaper, the *Herald Sun*.

On the following day, Tuesday, June 5, *The Advertiser* and *The Argus* both carried further relatively-short stories on the scandal, and *The Sydney Morning Herald* reported on the story for the first time. *The Advertiser* carried two stories on the affair. The first contained details on what the Adelaide Stock Exchange was doing ("Bankruptcy of Sharebroker: Suspension by Exchange," 1945, p. 3). That story was three paragraphs in length. Below it, shorter still at two paragraphs, was a story about Bradman ("Mr Don Bradman In Business On His Own," 1945, p. 3). It said he had started business and basically repeated the details first published by *The News* the previous afternoon. *The Sydney Morning Herald* and *The Argus* carried similar brief stories which combined the two stories from *The Advertiser*, noting that liabilities were now expected to be about £100,000, that it would be a fortnight before a meeting of creditors could be called, followed by the news that Don Bradman had begun business on his own the previous day, that he had been an employee of Hodgetts, never a partner, and that he had been a member of the Adelaide Stock Exchange in his own right for two or three years ("Bankruptcy of Sharebroker: Liabilities May Be £100,000," 1945, p. 4; Liabilities nearly £100,000: Adelaide Broker," 1945, p. 3). No other newspaper touched the story that day. By the next day, the story was no longer part of the news agenda.

The Hodgetts collapse story, unlike modern scandals, had lasted only two days in the nation's main papers. There were a mere nine references in six newspapers in three states,

with only one reference on the front page – the local tabloid coverage in *The News* ("Deficit believed to be £75,000 ", 1945).

The Japanese surrendered on September 2, 1945, bringing to an end the war in the Pacific ("Japan surrenders to Allies in Tokio Bay," 1945, p. 1). The following week Harry Hodgetts pleaded guilty in the Adelaide Criminal Court to four counts of fraudulent conversion and one of false pretences and was jailed for five years (Nason, 2001c, p. 24). He was released after little more than a year because of ill health and died in 1949 (Nason, 2001c, p. 24).

Tables 6:1 and 6:2 below summarise the coverage firstly by how many stories each of the newspapers published on the South Australian financial crisis, and secondly the number of papers publishing a story on the crisis each day.

Paper	Number of stories
The Advertiser (Adelaide)	3
The News (Adelaide)	1
The Sun News Pictorial (Melbourne)	1
The Argus (Melbourne)	2
The Sydney Morning Herald	1
The (Melbourne) Herald	1
The Canberra Times	0
The Courier-Mail (Brisbane)	0
Daily Mirror (Sydney)	0
The Sun (Sydney)	0
The Age (Melbourne)	0
Daily Telegraph (Sydney)	0

**Table 6:1:** Summary of the number of stories published by each of the newspapers during the 'life' of the story.

Date	Number of papers mentioning	Number of stories
Monday, June 4, 1945	4	4
Tuesday, June 5	4	5

**Table 6:2:** Summary of the number of newspapers that mentioned the story, and the total number of stories published each day.

***One article analysed:***

One article from those associated with each case study was chosen for closer examination to see what conclusions can be drawn about the way the story was framed. It looked at

what language was used to describe the central characters and actions in the story and what underlying messages they suggested about the individual journalist's or media outlet's attitude towards the cricketer involved or the type of story, in this case, their attitude towards reporting a serious financial collapse.

Part of the agenda-setting function of the media involves the placement and size of the particular story under review. As noted earlier, not only do people get information about issues likely to affect them from the news media, they also get important clues on how much importance to place on the information by the 'play' the various items are given by the media – where the story is placed in the paper, how much space is devoted to it, the size of the story and its headline etc. Agenda-setting establishes the salient issues or images in the minds of the public (Littlejohn & Foss, 2008, p. 293).

In this case, at the time when all the major news concerned the Second World War and how the Allies were advancing on a number of fronts in the Middle East, and of particular importance to Australia, in the Pacific, the print media found little space to record the biggest financial crash 'in the history of South Australia' ("Deficit believed to be £75,000 ", 1945, p. 1). In all but one instance, the stories on the two days of the financial crisis ran to fewer than six paragraphs and could have been easily overlooked by all but the most ardent of readers, given the dominance of war coverage. All the Hodgetts / Bradman stories only ran over one column. The page one war stories were usually double-column, two or three times longer, often with a headline that ran across three columns with multiple 'decks' (lines).

While agenda-setting suggests that the media indicates to its audiences the importance of stories by the 'play' they are given in the paper, another theoretical framework, framing, posits that how an issue is characterised in newspaper stories, the actual descriptive words

and phrases used in the stories can influence how it is understood by audiences (Scheufele & Tewksbury, 2007, p. 11). For a journalist, framing helps to reduce the complexity of an issue given the restraints of time and space, relevant to this discussion because of the limitations of small, wartime newspapers. As mentioned in the theoretical discussion in chapter 4, frames become invaluable tools for presenting relatively complex issues in a way that makes them more easily understood by readers (Scheufele & Tewksbury, 2007, p. 12). In other words, it is the way the media and their audiences organize and make sense of events and issues.

*The News* coverage of June 4, 1945 was chosen for closer analysis ("Deficit believed to be £75,000 ", 1945) because it was the longest (more than double the size of any other paper's coverage and therefore carried more detail); was published in Bradman's home town of Adelaide and was the only story on the scandal carried on the front page of a wartime newspaper. News of the demise of Hodgetts had first appeared in that morning's Adelaide and Melbourne newspapers, so *The News* was following up for its Adelaide readers on what had already been published in their morning paper. It begins in a straight-forward style:

Adelaide business circles were today stunned by the news of the bankruptcy of Mr. H. W. Hodgetts, stockbroker, which is believed to involve a deficit of about £75,000 ("Deficit believed to be £75,000 ", 1945, p. 1).

As interesting as that sounds, given that the Adelaide Stock Exchange first knew about the demise of the stockbroking firm the previous Saturday morning, it is likely that the news travelled through the Adelaide business establishment quickly by word of mouth over the weekend, and since it had been published in the morning's paper, there would have been few local businessmen left to the stunned by Monday afternoon.

Other stories on that front page were more descriptive:

NEW YORK, Sunday. – American troops on Okinawa have captured a peninsula in the south-east, giving them control of a vital bay previously used by the

Japs as a fleet anchorage ("Americans control vital bay on Okinawa," 1945, p. 1)

MELBOURNE. – Overcoming fanatical Japanese resistance, Australian infantrymen, after two weeks' bitter fighting, have taken the vital Margy Hill – one month after their Tarakan landing ("Key hill taken on Tarakan," 1945, p. 1).

LONDON, Sunday. – Hitler did not invade Britain after Dunkirk because he thought the British would throw up the sponge and eliminate the necessity of a costly cross-water operation ("Why Hitler Did Not Invade After Dunkirk," 1945, p. 1).

The story from New York referred to the Americans capturing a 'vital' bay from the 'Japs', a common derogatory term of the time for the enemy in the Pacific. The story from Melbourne talked about the 'fanatical Japanese' leaving the readers in no doubt about the paper's opinion of the 'other side'. Even the London report referred to Hitler's belief that the British would 'throw up the sponge', another way of saying they would capitulate, or in boxing terms, 'throw in the towel'. These story leads are quoted to show that more than 65 years ago journalists were using colourful words and phrases. Aside from the early reference to the finance world in Adelaide being 'stunned', the rest of the Hodgetts's collapse story in *The News*, to borrow a cricketing term, was 'played with a straight bat', meaning in this context that the story was told in a straight-forward, traditional, inverted pyramid, news story format, without obvious bias or any hidden or inferred meanings. The story took a logical progression, answering the traditional journalistic questions of who, what, when, where, how and why. After the opening paragraph reproduced above, the following paragraphs said Harry Hodgetts was the sole proprietor of the collapsed firm, pointed out that it was one of the biggest financial collapses in the state's history and that an order had

been made for the sequestration of Hodgetts' estate at his own request. The story then introduced the involvement of the nation's best-known sportsman when it pointed out that it had been the stockbroker who originally arranged for Bradman to move from New South Wales to South Australia and introduced him to stockbroking as a potential post-cricket career. Then follow three paragraphs in which, as mentioned above, Bradman distanced himself from the company and noted he already held a seat on the Adelaide Stock Exchange. Then follow another four paragraphs of background on the Hodgetts company, indicating its stature in Adelaide stockbroking and finance circles. It gave details of some of Hodgetts's clients, how the company had underwritten a number of important stock issues and how he was one of four local businessmen who successfully nominated a group of candidates for the board of Guinea Airways Ltd. Towards the end, under a cross-head that noted 'Mr. Hodgetts ill', the story re-iterated the shock felt in Adelaide at the news, but even then not in an overly critical fashion:

There was much consternation in the city this morning regarding the bankruptcy ("Deficit believed to be £75,000 ", 1945, p. 1).

The final paragraph of the story elaborated slightly on the above-mentioned cross-head when it blandly reported:

Mr. Hodgetts, who is ill, was not at his office ("Deficit believed to be £75,000 ", 1945, p. 1).

Given the colourful language used to describe some of the various cricketers' off-field activities in the case studies to follow, the financial crisis story is framed in superficial and almost sympathetic terms. It forms the benchmark, as far as this thesis is concerned, for an unbiased account of what happened in the collapse of a leading South Australian stockbroking firm. While mentioning the involvement in the company by the country's best-

known sporting figure, the newspaper gives him ample space to distance himself from the company's collapse.

***Chadwick and the Code of Ethics:***

Bradman would qualify as 'fame by achievement' in Chadwick's five-part 'Taxonomy of Fame' (2004, p. 1). Chadwick maintained that journalism and respect for privacy are compatible in principle (2004, p. 3), but did suggest that the test for media intrusion should be:

Does the public interest in disclosure outweigh the privacy interest of the persons involved? (Chadwick, 2003, p. 12).

There would be high public interest in this story, particularly in South Australia. It saw losses in today's monetary terms of nearly \$12 million and involved the most famous sporting celebrity of the era. In addition, there would be considerable public interest in the collapse of a leading South Australian stockbroking firm, and the subsequent takeover of its premises and clients by the country's best known cricketer. The public interest could be likened to the collapse of the Alan Bond empire in the early 1990s (Paddenburg, 2013), or One.Tel in 2001 (Battersby, 2012).

The original version of the Australian Journalists' Association (later to be the AJA branch of the Media, Entertainment and Arts Alliance) Code of Ethics was approved by the union's federal conference in 1944 (Lloyd, 1985, p. 228), a year before the incident researched for this case study, but had its genesis more than two decades earlier. According to the Association's official historian, journalist and journalism educator, the late Clem Lloyd, the principal influences on its introduction came from the United States, where the American Society of Newspaper Editors formulated canons of journalistic conduct in 1923, and the United Kingdom, where the National Union of Journalists adopted a Code of Conduct in

1938 (Lloyd, 1985, pp. 227 - 228). As noted previously, there are three versions of the Code, and each will be discussed according to the time frame under review. The 1944 inaugural Code was sexist in nature, referring only to 'his' obligations (Report of the Ethics Review Committee, 1997, p. 121). This was rectified in the later versions. While many of the nine clauses of the 1944 Code use key concepts common to the later versions – like reporting with scrupulous honesty, not suppressing essential facts, respecting confidences, not allowing personal interests to influence them, using fair and honest means to obtain material, always identifying themselves before obtaining material – there are also two fraternal clauses: not to take unfair advantage of a fellow member of the Association and to do their utmost to 'maintain full confidence in the integrity and dignity of the calling of a journalist' (Report of the Ethics Review Committee, 1997, p. 121). Of particular note in the context of this thesis is the fact that there was no reference to respecting the privacy of anyone involved in a news story. So at the time of the Bradman incident, there were no clauses in the original AJA Code of Ethics to guide journalists when faced with a story about a celebrity's private life. The only clause remotely connected to their behaviour was the one calling on journalists to do their utmost to maintain their integrity and dignity, which could cover how they dealt with the public, particularly someone as beloved as Don Bradman. According to Lloyd, the AJA faced strong public attacks on their standards in the 1950s and 1960s, leading it to push hard for the establishment of a Press Council, to include, among others, newspaper proprietors. A Press Council would not eventuate for a further decade, in 1976 (Lloyd, 1985, p. 295). Lloyd wrote such a Council was needed because:

Many journalists favoured a red-blooded approach to news gathering and writing stories as a means of rapid advancement, often pushing initiative and vivid

imagination at the expense of an over-zealous adherence to ethics and fact (Lloyd, 1985, p. 235).

In other words, journalists in Bradman's time were not averse to massaging the facts of a story. Why then were they so 'kid-gloved' in their approach to the biggest financial collapse in South Australian history and in their treatment of Bradman? They may have feared contempt of court by publishing too much detail of the company's collapse, but the story only lasted two days and Mr Hodgetts was sick at the time and presumably had yet to be interviewed by police, let alone charged. Perhaps they simply admired Bradman and could not believe he would be involved in anything untoward, even if it did emerge that he was quick to benefit from his benefactor's criminal activity. Or, perhaps, they feared public reprisal if they had challenged the revered status that Bradman held within the community, especially at a time when social cohesion, during the war, called for the country to band together.

**Summary:**

This case study demonstrates that Bradman did not suffer at the hands of the media at the time. He was, in fact, treated very well by a media that could just as easily have drawn much more attention to the speed with which Bradman replaced his former employer, in the same office, with the same client list. While half the Australian newspapers researched chose to ignore the story altogether, the half that did cover the story chose to simply record the sequence of events briefly, without drawing any damaging conclusions. It was not until nine months after his death – nearly 60 years later – that the extent of Bradman's possible involvement in the company's financial collapse became more widely known.

Respected senior journalist, the late Frank Devine (2001), who also wrote for *The Australian*, which had carried the accusations against Bradman in their weekend magazine (Nason,

2001b), maintained at that time that there was no evidence of impropriety on the part of 'the Don':

I am convinced there's nothing to pin on Bradman over the Hodgetts collapse  
(Devine, 2001, p. 11).

In a series of interviews with Bradman in 1995 for a book he was writing, Devine said Bradman had maintained frequently that he was innocent of any participation in the Hodgetts's frauds (2001, p. 11).

The next case study (chapter 7) looks at the way the private life of one of the country's more colourful Bradman-era cricketers, the flamboyant Keith Miller, was reported in the mid-1950s.

	<b>Paper</b>	<b>Story</b>
Monday, June 4, 1945	The Advertiser (Adelaide morning broadsheet, later tabloid size)	Broker's Estate Sequestrated (page 2) 6 paragraphs No mention of Bradman
"	The News (Adelaide afternoon broadsheet, later tabloid)	Deficit believed to be £75,000 (page 1) 15 Pars Cross-head after 5 pars – Bradman not partner. Another after 12 pars – Mr Hodgetts ill.
"	The Argus (Melbourne morning broadsheet 1846 – 1957)	Adelaide Broker's Estate Sequestrated (page 3) 5 pars. Bradman mentioned in last two pars.
	The Herald (Melbourne afternoon broadsheet 1840 – 1990)	Broker's £75,000 Crash (page 3) 11 pars. Bradman mentioned in para 8, details plans in para 11.
	The Sun News Pictorial (Melbourne morning tabloid 1922 – 1990)	S.A. Broker's Estate Sequestrated (page 3) 5 pars Mentions Bradman as staff member in second-last par

<b>Date</b>	<b>Paper</b>	<b>Story</b>
Tuesday, June 5.	The Advertiser (two stories)	Bankruptcy of Sharebroker: Suspension by Exchange (page 3) 3 pars Mr Don Bradman In Business On His Own (underneath above on page 3) Two pars.
"	The Sydney Morning Herald (morning broadsheet, later tabloid size)	Bankruptcy of Sharebroker: Liabilities May Be £100,000 (page 4) 3 pars. Last par details Bradman's plans.
"	The Argus	Liabilities nearly £100,000: Adelaide broker (page 3) 3 pars. Last par details Bradman's plans

**Appendix 6:1: Coverage of the financial crisis story in Australian metropolitan newspapers June 4 and 5, 1945.**

## Chapter 7

### Case study 2: Keith Miller

#### ***Introduction:***

The second case study concerns the reporting of a compatriot of Bradman's, the colourful 'character', Keith Miller. As with the previous case study, it will take the format of introducing the cricketer, looking at the public attitude to privacy at the time, detailing the incident being examined, followed by consideration of the media agenda of the time and discussion of the media coverage of the incident, examination of one article in particular and discussion of the media's approach to privacy invasion at the time and other issues raised by this particular case study.

#### ***The cricketer: Keith Miller***

Keith Ross 'nugget' Miller was named after two national heroes, Keith and Ross Smith, the first pilots to fly from England to Australia. They were halfway to Australia when Miller was born on November 28, 1919 (Perry, 2005a, p. 10). He earned his nickname from an English sports journalist who labelled him 'the golden boy of Australian cricket' for the way he played his post-war cricket ("All-rounder Keith Miller dies," 2004). From then on he was 'nugget' Miller. At the time of his death he was one of only three Australians to be honoured with a portrait in the famed Long Room of Lord's, the so-called home of cricket ("All-rounder Keith Miller dies," 2004). [The others are of Sir Don Bradman and Victor Trumper. A portrait of the subject of a later case study – Shane Warne – has since been added].

Miller played 55 Tests for Australia between 1946 and 1956. He scored 2958 runs at an average of 36.97, including seven centuries. His highest Test score was 147. He took 170

wickets at 22.97, captured five wickets in an innings seven times, ten wickets in an innings once and his best bowling performances in an innings was 7-60 ("Keith Miller," n.d.). He also played 50 VFL (forerunner to the national competition, the Australian Football League [AFL]) games for St Kilda and played for the Victorian state team, colloquially referred to as 'the Big V' in 1946 (Martin Blake, 2004).

At the time of Miller's death, former Australian captain Steve Waugh said Australia had lost its 'next best player' to Don Bradman (quoted in Crutcher, 2004a). He was described by one admiring, but un-named, journalist as 'the complete package': 'an elegant strokemaker with the bat, a fast bowler of tremendous variety and the best slips fielder of his time' ("Aussie boy's own hero Miller dies," 2004). Miller was credited by *The Sydney Morning Herald* as having invented Australian cricket's best-known hoodoo – the belief that 87 was an unlucky number ("The legend that did it his way," 2004), derived from the fact that 87 is 13 – traditionally an unlucky number – short of the batsman's prized score of 100.

[Miller died a week after the subject of the final case study, Michael Clark, scored his maiden Test century in India].

***The incident:***

The incident to be examined in this case study took place during the 1956 Ashes tour of England, the last time the man recognised as the country's finest all-rounder (meaning he achieved with bat and ball), Keith Miller ("Keith Miller," n.d.), toured England as a member of an Australian cricket team. He covered many tours in the years that followed as a journalist.

While the specific incident is important for what it demonstrates about Miller's reputation as being equally-popular among Royalty and the 'upper classes' as with cricket-lovers and women in general in both England and Australia, it also needs to be seen in the context of

the wide coverage given to Miller's off-field behaviour in the previous few days in newspapers 'back home'. It was not only a high society dinner party that attracted the journalists' attention. It was also the film star-like adoration of English fans, particularly female fans, for the dashing all-rounder that was covered at length – often on the front pages of the Australian papers. To capture the reverence and appeal of Miller to the British and Australians, newspapers from Monday, July 2, 1956, to (and including) Monday, July 9, were researched.

On the weekend of July 7 – 8, the Australian cricket team was playing a county game against Hampshire at Southampton, and Miller was captaining the side. He was invited to dinner on Saturday, July 7, by Lord Mountbatten, the last Viceroy of India, First Sea Lord, and cousin of the Queen, a war hero who was later killed by the IRA when a bomb blast destroyed his boat ("1979: IRA bomb kills Lord Mountbatten," n.d.). The assassination of Lord Mountbatten is relevant because it was Miller's near-fatal experiences as a fighter pilot in the Second World War that defined his post-war attitude to life and cricket. As long-time friend and admirer, the renowned British television interviewer and journalist, Michael Parkinson, would write in his own autobiography:

The way he [Miller] played his cricket in the immediate postwar (sic) years was as much a celebration of surviving the war as it was the product of an impulsive nature and a lifelong desire never to be bored by either a person or a game (Parkinson, 2008, p. 295).

It was Parkinson, a 'cricket tragic' as those with a fondness for the game (like the former Australian Prime Minister John Howard) are often referred to, who first elicited the often-quoted Miller definition when he asked him if he ever felt pressure while playing:

I'll tell you what pressure is: it's having a Messerschmitt up your arse at twenty thousand feet. That's pressure (Parkinson, 2008, p. 295).

It was also Parkinson who dubbed Miller at the time of his death in 2004 as Britain's 'favourite Aussie' (Quoted in Derriman, 2004).

The highly-respected former Australian captain and doyen of TV cricket commentators, Richie Benaud, another who admits Miller was a hero of his, said at the time of Miller's death that he would have been a star in the current multi-media society. Another former teammate, fast bowler Alan Davidson, said that Miller would have been a \$10 million player in the twenty-first century, such was his immense popularity (Both cited in Crutcher, 2004b). In his obituary of Miller, Michael Crutcher said the cricketer was 'maybe 50 years too early to cash in on his reputation as the game's brightest personality' (2004b). The heading for the story captured the essence of their comments: 'Miller the \$10-million man ahead of his time' (Crutcher, 2004b).

It was not the Mountbattens that the Australian cricketer went to dinner to meet, but one of their guests, the Queen's younger sister, Princess Margaret. At the time of Miller's death, John Rutherford, who toured with him in 1956, gave this version of the dinner invitation:

We were at Southampton when Lord Mountbatten said he had someone who wanted to meet Keith. He was tired and said he didn't care if it was the Queen of England because he wasn't going to meet them. Mountbatten said it wasn't the Queen, it was the Queen's sister. Keith couldn't go quickly enough (cited in Townsend, 2004).

The two had met about eight years earlier during the 'Invincibles' tour (Perry, 2005a, pp. 230 - 232) when the Australian team, including Miller and led by the cricketer at the centre of the previous case study, Don Bradman, completed the 1948 Ashes Tour undefeated. As

Miller's biographer Roland Perry noted, the Princess was the 'darling of Fleet Street' [the centre of London newspaper production at the time], and he 'sport's Errol Flynn' [after the Tasmanian actor popular in Hollywood in the 1940s and another "ladies' man"] (2005a, p. 231):

Margaret was often surrounded by a bevy of eligible – and a few ineligible – young men... He, like her, accompanied the most attractive partners of the opposite sex because he could (Perry, 2005a, p. 231).

The dinner party was widely reported in Australia at the time, and some papers noted that after the meal, in a lounge room that doubled as a theatrette, Lord Mountbatten had directed Miller to 'sit next to the Princess' (Perry, 2005a, p. 400) giving rise to further speculation to the unsubstantiated rumours that Miller had an affair with the Princess.

[Perry is also a biographer of Bradman (1998)]. One of the many obituaries for Miller noted that he had once 'shared a sofa' with the Princess (Baum, 2004), obviously referring to this incident, but by framing the phrase in inverted commas, suggesting they were doing more than watching a movie. The publicity material associated with Perry's biography alluded to the close relationship when it said that 'one of his innumerable conquests was said to be Princess Margaret. She is believed to have summoned him for more than tea at Kensington Palace' (Perry, 2005b) another piece of journalistic framing suggesting a romantic attachment. By the time of the 1956 invitation to dinner, Miller enjoyed a wide reputation as a "ladies' man", a euphemism of the time for a man who openly chased women for sexual pleasure. One of his sons, Bill, said in a two-part episode of the ABC's 'Australian Story' broadcast in 2009 (five years after Miller's death) that his father 'made Shane Warne look like an altar boy' ("The Millers Tale part 1," 2009). Warne had a similar reputation, as will be seen in chapter 9.

### ***Attitude to privacy at the time:***

The English cricketering great Sir Alec Bedser, who played against Miller in several Ashes' series was one of many to offer tributes to Miller on his death. Acknowledging his contribution to the game, Sir Alec added: 'He was pretty talented with the ladies, I can tell you that. We all knew about that. That was one of his trademarks. We had to keep some of those things quiet in those days' (quoted in "Golden memories of Aussie 'Nugget' ", 2004).

Another reason why little of Miller's philandering was ever reported in the way it might have been (or would likely have been in modern times) was offered by his biographer, Roland Perry, when he referred to the 'brotherhood of reporters':

And the brotherhood had a code, unwritten and understood: *you do not report on your own* (his italics). This protected characters like Miller, who, no matter what they did, would not receive unfavourable media attention (Perry, 2005a, p. 292).

Perry also recounted in Miller's biography how London *Times* cricket journalist John Woodcock, when Keith had confided at the end of a chat that he had 'a sheila to meet', in keeping with the code, only mentioned the remark in his obituary for the cricketer, 54 years later (Perry, 2005a, p. 292).

Sports journalist Richard Hinds, then with *The Sydney Morning Herald*, had another view on why the admired cricketer's romantic activities were not widely reported at the time that is particularly relevant to this thesis. He said in his obituary of Miller that there would never be another like him: 'the reason ... is that the world has changed so much in the 50 years since the great all-rounder was in his pomp that it is unlikely that a sports star could ever be considered with the same unquestioning affection and idolatry' (2004):

For this, the blame is usually placed with the media, whose taste for the salacious and downright prurient sometimes exceeds its sense of perspective (Hinds, 2004).

Reviewing the previously-mentioned 'Australian Story' two-part series on Miller, Spiro Zavos (2009) suggested that Miller was lucky 'that he did not live as Warne has in the era of celebrity journalism and promotion':

Miller's high life would have been the stuff of the tabloids, instead of his incisive cricket articles for *The Daily Express* and *The Australian*, which were often written despite the fact that he had not actually bothered attending the match that particular day (Zavos, 2009).

***Background of the era in the media:***

The day before the Lord Mountbatten-hosted dinner party in Southampton had been highly successful for Australian sport in England. In golf and tennis Australians had defeated the world's best. Australian newspaper front pages on the Saturday reported golfer Peter Thompson winning the British Open for a record third year in succession and Lew Hoad beating fellow-Australian and doubles partner Ken Rosewall to take the Wimbledon singles tennis title ("Aussies' Great Day in Sports," 1956; Big Sport double to Aust: Thompson takes 3rd Open; Hoad's Wimbledon win," 1956; Field day for Australia," 1956; Hoad Wins Final At Wimbeldon," 1956; Thomson Wins Golf Title Third Time," 1956; Today the toast is Australia," 1956; Victory smiles: A great day for Aust.," 1956). The Adelaide afternoon tabloid, *The News*, extended its report of the Australians' sporting achievements to include Test opener Jim Burke scoring his second century in the recently-completed match against Somerset, and former Australian Test all-rounder Colin McCool, playing for Somerset, following up his first innings 90 with 116 in the second innings ("Field day for Australia," 1956).

The other big front-page story for *Daily Telegraph* readers in Sydney that Saturday was the news from Canberra that commercial station TCN 9 would begin regular television broadcasts in mid-September ("First in Australia: Station TCN begins TV shows Sept. 16," 1956). The first Melbourne-based commercial channel, HSV 7, was to start broadcasting in early November. The first ABC stations (in Melbourne and Sydney) were also to start broadcasting in early November, in time for a major international sporting event in Australia ("First in Australia: Station TCN begins TV shows Sept. 16," 1956). This was the year that the Olympic Games came to Australia for the first time. The 1956 Melbourne games in late November / early December saw the host nation record its most successful medal haul to date, a total of 35, including 13 gold, finishing third in the medal tally behind the Soviet Union and the United States, said at the time to be one of the highest achievements by a host country ("Nation imbued by Olympic success," 2002). For most Australians it was their introduction to televised sport.

Newspaper story exchange arrangements in 1956 had not changed much since the time of the first case study. There were no interstate ownership links, and none of the concentration of ownership of modern times. Newspapers exchanged stories with their interstate counterparts and relied for most of their overseas news on the national newsagency, *Australian Associated Press*, which was financed by a consortium of Australian media owners. It would later extend its provision of overseas and interstate news to the infant television stations, which were owned (except for the government-financed then *Australian Broadcasting Commission* later *Corporation*) by existing newspaper barons. When it came to an Ashes cricket tour of England – still considered one of the most important sporting contests Australians regularly engage in – some newspapers in the '50s

joined forces to send a correspondent, or simply headed their stories ‘from our staff representative’. Other times he was ‘our special representative’.

***Newspaper coverage:***

To put the dinner party into context and to appreciate the ‘superstar’ status Miller enjoyed in England (and Australia) at the time, this thesis begins media coverage of the all-rounder in the days leading up to the county match in Southampton. Stories about the cavalier cricketer appeared in Australian newspapers on almost a daily basis. In this case study, the story had a much longer ‘life’ than the two days devoted to the Bradman incident in the previous chapter. Stories about the dashing cricketer’s popularity with British women, appeared from Monday, July 2, to, and including, the following Monday, July 9, 1956.

The only reference to Miller in Brisbane’s *Courier-Mail* for the eight-day period under review was on the first day, July 2, under the headline ‘Bradman respected ... But for Miller Hero-Worship’ (Turnbull, 1956a). In a regular column titled ‘London Notebook’, Lyle Turnbull, who was also covering sport for other papers (1956b), reported that for Miller ‘England reserves affection and what amounts to a school-boyish hero worship’ (Turnbull, 1956a).

*The Courier-Mail* was very much the odd one out when it came to giving coverage to the off-field exploits of Keith Miller. Other papers were more lavish in their coverage. Two days later (July 4), a small page one story concerned the celebrity cricketer losing either his overcoat, or wallet, depending on which paper you read. *The Argus*, the Melbourne broadsheet, reported that Miller had lost his wallet, diary and cheque-book while on a couple of days away from cricket at the British seaside resort town of Brighton (“Sporting Spotlight,” 1956). The gossip-like snippet also noted that London newspapers had reported that Miller had lost his invitation to Buckingham Palace to receive an MBE from the Queen (“Sporting Spotlight,” 1956). Adelaide’s morning broadsheet, *The Advertiser*, also thought

Miller's predicament deserved front page treatment ("Miller 'in a fix'," 1956). Their story had 'Our Special Representative' being told by a 'rather disconsolate' Miller that his overcoat – containing the Buckingham Palace invitation, and two others for what were termed 'friends', which could equally have referred to fellow members of the touring party as it could to possible girlfriends, had disappeared from his car ("Miller 'in a fix'," 1956). But while that story would have brought a smile to many a cricket fan, later that day began a series of stories about the cricketer's popularity in England that none-too-subtly alluded to reasons for his popularity other than his cricketing prowess.

The Sydney afternoon tabloid *Daily Mirror* was among the Australian newspapers which reported from London that Miller was receiving sacks full of fan letters -- '99 per cent of them from women' – establishing him as 'the new conquering hero of British bobby-soxers' ("Cripes, says Keith! But Mrs. Miller says it's O.K.," 1956). The second part of the headline quoting Miller's wife, Peg, suggested she was aware of her husband's popularity with other women. The story, rather condescendingly noted that Mrs Miller was 'doing the household chores' at her Dee Why home when the *Daily Mirror* told her of her husband's popularity with British bobby-soxers (a '50s term for teenage girls and usually associated with their chasing film and pop stars) and quoted her as saying:

'Jealous? Ooh! I don't know,' Mrs Miller said. 'I think the girls have good taste, and I'm not worried a bit'. Mrs Miller said her husband had always been "a bit of a lady-killer" ("Cripes, says Keith! But Mrs. Miller says it's O.K.," 1956).

The word lady-killer also appeared in a 'cross-head' (or sub-heading) half-way through the text of the story, giving added emphasis to the later comment attributed to Mrs Miller. The generally-accepted definition of lady-killer is of a man unusually attractive to woman. The opposition afternoon tabloid in Sydney, *The Sun*, framed their story in overtly sexual

terminology when it reported that Miller had been dubbed the 'Casanova of the crease' ("The girls love Keith," 1956). ['The Crease' is the name given to the part of the cricket pitch in front of a batsman's stumps where they stand to receive the bowled delivery]. The story takes several of its quotes, including the reference to Casanova, from the Donald Zec column discussed in detail in the next section. The heading was alluding to Miller's activities 'off the playing field', framing him as a 'Casanova' referring to the 18<sup>th</sup> century Italian adventurer whose name is synonymous with seduction and multiple sexual conquests. *The Sun* used another blatantly sexual, while slightly cricket-related, phrase when it reported that a recent television appearance by Miller had 'bowled a million maidens over' ("The girls love Keith," 1956). While in cricketing terms at the time, a 'maiden over' was an eight-ball sequence of deliveries (called an 'over' and later changed to six deliveries) from which no runs are scored, 'bowling a maiden over' has a much stronger sexual connotation in common parlance meaning to 'sweep a woman off her feet with a romantic gesture' ("Bowl a maiden over," n.d.). Much of the reporting of the time was so framed, inferring none-too-subtly to Miller's reputation as a seducer.

The next day, three Australian newspapers, *The Argus* in Melbourne (Zec, 1956a), the *Daily Telegraph* in Sydney ("'Casanova' Keith bowls 'em over," 1956) and *The News* in Adelaide (Zec, 1956b) carried the full column (or in the case of the *Daily Telegraph* reported major sections of it) syndicated from the London *Daily Mirror* celebrity columnist Donald Zec – the story chosen for detailed analysis below because of its overt sexual framing. That afternoon, the *Daily Mirror* reported that Miller had been mobbed by screaming teenagers when he arrived at Wimbledon to see the tennis ("Keith Mobbed: Girls rush new idol," 1956). [As mentioned earlier, Australia's Lew Hoad would win the singles title the following

day, and a day later team with compatriot and the one he beat for the singles title, Ken Rosewall, to take the doubles crown]. The article noted that a half-page photograph of Miller had appeared in a London newspaper that week as part of a hair cream manufacturer's latest advertising campaign and that his photo had been displayed in trains and buses throughout London ("Keith Mobbed: Girls rush new idol," 1956). Miller admitted in the story that the female adulation boosted his morale but tried to laugh it off by referring to his female fans as 'just sporting enthusiasts' ("Keith Mobbed: Girls rush new idol," 1956).

While Miller was enjoying his big night out with British royalty, the *Sydney Sunday Telegraph* also reported on his huge popularity among English fans, but used the opportunity to announce the cricketer had been appointed Director of Sports Programming for their Sydney TV station, TCN 9, which would soon begin broadcasting ("Huge U.K. fan mail stumps Keith Miller: He'll star in Aust. for TCN," 1956). They linked his popularity with cricket lovers and women of all ages to his appearances on TV in England and in an unashamed promotion for their new station added:

And TV will bring Miller into thousands of Sydney homes when he returns from the English Test cricket tour in which he has done so magnificently ("Huge U.K. fan mail stumps Keith Miller: He'll star in Aust. for TCN," 1956).

Under a sub-heading which read 'Girls' hearts beat faster', the *Sunday Telegraph* story quoted a 19-year-old girl and two others in their early Twenties as saying how much they liked the Aussie cricketer and how great he would be on TV ("Huge U.K. fan mail stumps Keith Miller: He'll star in Aust. for TCN," 1956). The *Sunday Telegraph* story, probably in an effort to hose down Miller's womanising reputation so overtly alluded to in other

newspaper articles in the previous few days, and to protect the latest big-name signing to their sister TV station, avoided overtly-sexual references in their coverage.

The other Sydney Sunday paper, *The Sun Herald*, was still lauding Peter Thompson and Lew Hoad on the front page ("Oh! What a day in sport!," 1956) but did record in an equally-effervescent headline on page three that Hoad and Rosewall had combined on the Saturday to win the Wimbledon double's title ("'Greatest ever' day in sport for Aust.," 1956). It also reported Australia's slow start on the opening day of the match against Hampshire ("Aust. batsmen score slowly: 3-162 at tea," 1956) an effort that did not impress former Australian spin bowler – turned cricket writer, 'Tiger' O'Rielly, who described the Australians' batting in the morning session as 'pathetically weak' (1956). The story noted that Miller and fast bowler Pat Crawford had taken three-and-a-half hours to drive from London to Southampton and had arrived after the start of the match ("Aust. batsmen score slowly: 3-162 at tea," 1956). This incident is included to show that the papers were also reporting on Miller's exploits on the cricket field, not just his off-field activities which are the subject of the case study.

The first stories of the Mountbattens' dinner party appeared in Australian newspapers on Monday, July 9. Six morning papers – five broadsheets, *The Advertiser* ("Keith Miller Has His Big Moment," 1956), *The Age* ("The Cricketer Who Came to Dinner ...", 1956), *The Argus* ("Miller dines with Princess," 1956c), *The Sydney Morning Herald* ("Miller at Dinner With Princess," 1956) and *The Canberra Times* ("Miller dines with Princess," 1956b), and one tabloid *The Sun News Pictorial* ("Miller dines with Princess," 1956a), carried versions of the same AAP story, in all but one instance on their front pages. *The Sydney Morning Herald*, published in Miller's home town, published the dinner party story briefly (four paragraphs)

on page three and carried a photo of Princess Margaret in academic mortar board and gown on page four that morning with a one-sentence, 'blockline' (as such brief sentences under photographs are referred to in newspaper parlance) recording the fact that the Princess had been installed the previous week as the President of the University of North Staffordshire ("President Margaret," 1956).

All the dinner party stories begin in almost identical fashion:

SOUTHAMPTON, July 8 – They all sat down to dinner at 8.30 ... Princess Margaret, Lord Mountbatten, Lady Mountbatten, Lady Pamela Mountbatten, the Honorable (sic) Iris Peake (lady in waiting to Princess Margaret), the Honorable Dominic Elliott, Lord Granville, Billy Wallace – and Keith Miller ("Keith Miller Has His Big Moment," 1956).

The 'big moment' referred to in *The Advertiser's* headline came after dinner when the story recounted how the 'sun-tanned Australian cricket idol' was ushered by Lord Mountbatten to 'a seat on a spacious settee alongside Princess Margaret':

For more than an hour they sat together, watching a private film showing. Miller today honorably kept to himself the details of the royally informal evening ("Keith Miller Has His Big Moment," 1956).

Then in bold type the story recorded:

His only words were: 'It was an honor to be present. It was a night I will never forget' ("Keith Miller Has His Big Moment," 1956).

It was the longest version of the story, running to 14 paragraphs.

*The Age* story ("The Cricketer Who Came to Dinner ...", 1956) was shorter than the *Advertiser* version, but did contain a cross-head titled 'Shirt Rush' in which both versions reported how the invitation to dine with Princess Margaret had 'almost caught him shirtless', another piece of sexual framing ("The Cricketer Who Came to Dinner ...", 1956). It recounted how Miller had to rush back to his hotel near the Hampshire cricket ground after the day's play to wash the 'only quick-drying fashion shirt he had with him' which he had worn in London earlier in the day. The story added: 'He had not expected such a night' ("The Cricketer Who Came to Dinner ...", 1956), continuing the sexual innuendo.

The Melbourne tabloid, *The Sun News Pictorial*, began its six paragraph version of the story by noting that 'Nine of them sat down at Lord Mountbatten's dinner-table at 8.30p.m. sharp on Saturday', goes on to name them, and after nominating the British royalty and nobility added 'and... YES – AND KEITH MILLER ("Miller dines with Princess," 1956a). That brief sentence was in capitals for added emphasis. *The Argus* story started the same way as its morning counterparts by nominating the dinner guests and mentioning Keith Miller (like *The Sun News Pictorial* in capitals) last. They also used the 'sun-tanned Australian cricketing idol' description ("Miller dines with Princess," 1956c).

*The Canberra Times* ran only a four-paragraph, single column version of the story in the seventh and far right-hand column of their front page ("Miller dines with Princess," 1956b). There were more important national stories of the news agenda that morning. Cadets from the Royal Military College in Canberra were missing ("Five Duntroon Cadets missing on Lake George: Two rescued in darkness," 1956); the waterside workers' strike had entered its second week ("Shipowners Oppose A.C.T.U. Proposal," 1956) and several Victorian towns

and ‘thousands of acres of valuable grazing lands’ had been flooded over the weekend ("Victorian Towns flooded," 1956).

That Monday afternoon, *The News* in Adelaide ran a cartoon by staff cartoonist Bill Mitchell which pulled together all the sporting (and social) stories of a big weekend and showed a doorman telling a butler in an aristocratic dining room: ‘There’s a bloke here called Menzies – says he’s from the same country as Lew Hoad, Peter Thompson, and Keith Miller!’ (Mitchell, 1956). Sir Robert Menzies was Australia’s Prime Minister at the time, a staunch Royalist, and another prime ministerial cricket tragic.

The Sydney morning tabloid, the *Daily Telegraph*, the Melbourne afternoon broadsheet, *The Herald*, and the Sydney afternoon tabloids, the *Daily Mirror* and *The Sun* all ignored the dinner party story. In fact, the dinner party story was ignored by all Sydney papers (his home city), except *The Sydney Morning Herald*, but covered by three of the four Melbourne papers, as well as the two papers in Adelaide, and one in Canberra.

Appendix 7:1 at the end of the chapter lists details of all 16 stories about the private life of Keith Miller (and the one cartoon) published during the eight-day period under review.

The two tables below summarise the coverage firstly (Table 7:1) showing how many papers covered the story on particular days and then (Table 7:2) details of how many stories each newspaper published about Miller’s private life in the researched period.

Day	Number of papers mentioning	Number of Stories
July 2	1	1
July 4	4	4
July 5	4	4
July 8	1	1
July 9	7	6 (+ cartoon)

**Table 7:1 (above): The timeline for the stories on Miller’s private life (July 2 – 9, 1956) showing when they appeared, in how many newspapers and how many stories.**

Paper	Number of Stories
The Courier-Mail	1
The Argus	3
The Advertiser	2
Daily Mirror	2
The Sun	1
Daily Telegraph	1
The News	1 (+ cartoon)
The Canberra Times	1
Sun News Pictorial	1
The Age	1
The Sydney Morning Herald	2
The (Melbourne) Herald	0

**Table 7:2 (above) Shows the papers publishing at the time and how many stories they printed on Keith Miller's private life during the research period (July 2 – 9, 1956).**

Later in the week, Miller returned to the front pages in previews of the third Test to be played in Leeds (Goodman, 1956; Whittington, 1956) suggesting he would play in the game, but not bowl because of a knee injury.

The cricketer's big week in England, culminating in dinner with Princess Margaret received wide coverage – in all, 11 papers in four states and one territory published a total of 16 stories in eight days about Miller's general popularity 'with the girls' and the Mountbattens's dinner party. Nearly half of them – five – covered the dinner party on their front pages. On all three occasions *The Argus* carried stories on Miller it was front page news in Melbourne ("Miller dines with Princess," 1956c; Sporting Spotlight," 1956; Zec, 1956a).

***One article analysed:***

The article chosen for in-depth analysis is the story syndicated by the London *Daily Mirror* and written by the celebrity columnist Donald Zec that appeared, as mentioned above, in various forms in three Australian newspapers. The story is framed throughout with sexual innuendos. The version in the Melbourne morning broadsheet, *The Argus*, was placed at the

top of page one alongside the masthead on July 5 and headlined 'Dreamboy Keith is the rage with the girls' with a secondary headline above a single column head shot of Miller's wife, Peggy, that stated "'He's a lady killer" says Mrs. Miller' (Zec, 1956a). The story used phrases like 'the new conquering hero of the Bobbysoxers', 'matinee idol', and said: 'This white flannelled Casanova of the crease has displaced Denis Compton [a popular English cricketer of the time] as the "dream boy" (Zec, 1956a). The reference to the Eighteenth century Italian adventurer, Casanova, is a none-too-subtle attempt to frame Miller against a name synonymous with seduction, like the reference to his being a 'lady killer'. The *Daily Telegraph* version of the Zec story used the 'Casanova' reference in their headline with a mix of sexual and cricketing innuendos ("Casanova' Keith bowls 'em over," 1956).

*The Argus* version (Zec, 1956a) quoted Miller after telling his wife that a woman he'd been photographed with was 'only an Australian model' as having been told by his wife:

Yes, dear, and if that's your story, dear, you stick to it, dear (quoted in Zec, 1956a).

It also carried other quotes similar to those in the previous day's *Daily Mirror* article mentioned earlier that suggested she was not worried by his reported behaviour, adding that the girls were 'showing good taste'.

Miller admitted to the adulation of his female fans – from elderly spinsters to what Zec referred to as those from 'the nursery end' (Zec, 1956b), another clever cricketing reference. The Nursery End at Lord's cricket ground is in the north-east of the ground, but in this context it refers to his young fans.

Zec uses his famous personal style – the liberal use of the personal pronoun – as if on an investigative journalism quest. After he noted that 99% of Miller’s daily sackful of ‘worshipping’ letters (thus framing him with god-like status) came from women, he added:

‘They phone him. They camp-follow him from ground to ground. They send him presents. They adore him’ (Zec, 1956a).

Then he injects himself into the story:

So I called on him last night to see what all the excitement was about (Zec, 1956a).

Zec claimed ‘he (Miller) stuffed piles of letters, telegrams and messages out of sight the moment he spotted’ the celebrity reporter (Zec, 1956a), suggesting he was embarrassed to be caught with the fan mail. The story continued to explore the content of the letters and quoted Miller as saying they contained phrases like:

Keith, I adore you... Keith I must see you... all that sort of caper (Quoted in Zec, 1956a).

These short sentences were all in capitals and bolded. Zec pushed for more, as if seeking some revelation:

Well, some of them send me photographs. Others send trinkets, lucky charms, cuff links and things. One girl phoned me this morning. She got quite desperate. She said: “If you don’t see me soon I’ll have to take the initiative” – whatever that means (Quoted in Zec, 1956a).

There is little doubt from the framing and tone of the article what Zec expected his readers to read into the comments – girls all over England were sending presents to the flamboyant cricketer and in the final quote one was threatening to, at the very least, stalk him.

***Chadwick and the Code of Ethics:***

As noted with regard to Bradman in the previous chapter, Miller qualifies for notoriety under the category of ‘fame by achievement’ in Chadwick’s five-category ‘Taxonomy of Fame’ (2004, p. 1). Chadwick maintains that journalism and respect for privacy are compatible in principle (2004, p. 3), but, as was also noted in the last chapter, he was talking of the early part of the Twenty-first Century, not half a century earlier. Miller was undoubtedly very popular with women, but specific details of his behaviour were left to suggestive framing. Reporters of the time, unlike current tabloid journalists, mostly avoided intimate coverage of a popular individual’s private life.

Discussion of the Chadwick model is more relevant in the consideration of the case studies on Warne and Clarke.

It would be 28 years after the Miller stories appeared that the Australian Journalists’ Association (AJA) updated their Code of Ethics. The stories about Miller’s popularity with ‘the ladies’ and his big night out with Princess Margaret, were written during the 40-year period (1944 – 1984) of the original AJA Code (Report of the Ethics Review Committee, 1997, p. 121). Discussion of the nine clauses in the first iteration of the Code is contained in the previous chapter, but while it has many of the key concepts present in following versions, it does not contain any reference to respecting the privacy of anyone in the news, leaving that to the individual journalist’s sense of morals and decency, the accepted practice of the particular newspaper and social expectations of the time.

First-hand experience provides some explanation of the social and professional context. When the researcher joined the staff of the Adelaide afternoon tabloid, *The News*, as a young cadet journalist about five years after the period under discussion, he quickly learned what was (and was not) acceptable at that Murdoch publication. While there were instructions on writing style, there was nothing written down about what type of stories were acceptable – relevant in this context because one of those ‘unwritten laws’ was that stories about overtly sexual matters were to be avoided. Words like ‘rape’ and ‘sexual intercourse’ had no place in the paper, this young cadet was told. Such offences in court reports were referred to as ‘unlawful carnal knowledge’ which was considered a more acceptable term. Perhaps this is how the infant Murdoch Empire fulfilled the final clause of the 1944 Code which extolled union members: ‘To do his utmost to maintain full confidence in the integrity and dignity of the calling of journalist’ (Report of the Ethics Review Committee, 1997, p. 121). However, while the Code of Ethics existed, it was not to be seen in the reporters’ room at *The News* in the early ‘60s. The only time the researcher saw it was on the back cover of the annual report of the Association. The AJA’s official historian, the late Clem Lloyd, said there were strong public attacks on journalistic standards in the 1950’s (the period under discussion), leading eventually to the establishment of the Australian Press Council in 1975 (Lloyd, 1985, p. 295).

**Summary:**

This case study has shown that in little more than a decade between the fall of the Hodgetts stockbroking firm and the sudden rise of Don Bradman Stockbrokers, the print media had adopted a bolder approach to their coverage of celebrities. This chapter has continued the process of building a case for the changes over the past 65 years in print media attitudes towards reporting activities relating to individuals’ privacy. Analysis of the newspaper

coverage of eight days in the life of Australia's best all-rounder, Keith Miller, in July, 1956, has demonstrated that with widespread popularity comes media attention, and attention to his private life that he would probably have preferred remained just that: private. It also demonstrated that the print media were not averse to framing their stories with both overt and covert inferences, innuendos and euphemisms to convey more than a strict interpretation of the words suggested. Whereas the coverage of the Bradman incident was characterised in cricket terms as 'playing with a straight bat' and simply recording the facts and leaving it to the readers to make their own judgment about the cricketer's possible involvement in the demise of the stockbroking firm, the same cannot be said for the Miller coverage. A range of phrases and words with double or inferred meanings were used to paint Miller as a womaniser. The media also contacted Miller's wife, Peggy, for her opinion of her husband's behaviour, which takes the media's invasion of a family's privacy to another level. The next three case studies will further develop this trend of the increase of the media's intrusion into cricketers' personalities' private lives. The next case study concerns former Australian captain, Greg Chappell.

**Appendix 7:1:**

Date	Paper	Story	Cartoon
Monday, July 2, 1956	The Courier-Mail	Bradman respected ... but for Miller hero-worship (page 5) 11 pars 'London Notebook' by Lyle Turnbull	
Wednesday, July 4	The Argus	Lindwall cracks up again (page 1) 3 pars 'Sporting Spotlight' (Miller's missing wallet)	
"	The Advertiser	Miller 'in a fix' (page 1) 5 pars (Miller loses invite to MBE Royal investiture)	
"	The Daily Mirror	Cripes, says Keith! But Mrs Miller says it's OK (page 3) 11 pars	
"	The Sun	The girls love Keith (page 5) 11 pars	
Thursday, July 5	The Argus	Dreamboy Keith is the rage with the girls: 'He's a lady-killer' says Mrs Miller (page 1) 32 pars (many brief) Donald Zec	
"	Daily Telegraph	'Casanova' Keith bowls 'em over (page 7) 14 pars. No byline but quotes Zec extensively	
"	The News	Keith's all the rage on TV (page 3) 28 pars. Donald Zec story. Many short pars.	
"	The Daily Mirror	Keith mobbed: Girls rush new idol (page 19) 16 pars	
Sunday, July 8	Sunday Telegraph	Huge U.K. fan mail stumps Keith Miller: He'll star in Aust. TV for TCN (Page 7) 25 pars	
Monday, July 9	The Advertiser	Keith Miller Had His Big Moment (Page 1) 14 pars (AAP)	
"	The Age	The Cricketer Who Came to Dinner ... (page 1) 14 pars (AAP)	
"	The Canberra Times	Miller dines with	

		Princess (Page 1) 4 pars (AAP – Reuter)	
“	The Sun News Pictorial	Miller dines with Princess (Page 1) 5 pars (AAP)	
“	The Argus	Miller dines with Princess (Page 1) 3 pars	
“	The News		Cartoon: “There’s a chap here by the name of Menzies – says he’s from the same country as Lew Hoad, Peter Thomson and Keith Miller!” (page 12)
“	The Sydney Morning Herald	Miller At Dinner With Princess (page 3) 4 pars	

**Appendix 7:1 shows the stories about Miller’s private life – July 2 – 9, 1956.**

## Chapter 8

### Case study 3: Greg Chappell

#### ***Introduction:***

The third case study investigates the reporting of an incident in the private life of former Australian cricket captain Greg Chappell. It will follow the format of previous chapters of introducing the cricketer, looking at the public attitude to privacy at the time, detailing the incident being examined, followed by consideration of the media agenda of the time and discussion of the media coverage of the incident, examining one article in particular. Finally, it will review the media's attitude to privacy at the time and look at some of the issues raised.

#### ***The cricketer: Greg Chappell***

Writer and commentator, Gideon Haigh (2010) – a former journalist who has written some 20 books on cricket-related topics—described Chappell as ‘the gold standard of Australian cricket’.

He was like bullion in the vaults: the reserve currency. In the speculative side you chose at the pub, you put him down at No. 4, and then you started with the rest. I dare say the Australian selectors were the same. So Chappell did what was in him, and it *happened* (his italics) to be beautiful (Haigh, 2010).

At the time of his retirement in 1984, Greg Chappell had captained Australia in more Tests (48) than any other cricketer, had become the first player to score centuries in both innings in a Test match (Rosenwater, 1990, p. 265 & 267) and was second only to Bradman in Test batting averages for Australia (McGregor, 1990, p. preface). He retired holding other records, like scoring the most Test innings of more than 50 for Australia (55). He was second

only to Bradman for Test double-centuries; was the only Australian cricketer since the Second World War to score a century before lunch in a Test (meaning within the 120 minutes of the first session of play); twice, like his brother Ian, who also captained Australia, he scored centuries in three successive first class innings; and is the only Australian to score a century in each innings of a Test match on two occasions (Rosenwater, 1990, pp. 266 - 268).

Chappell played 87 Tests for Australia, scored 7110 runs at an average of 53.86 with a highest score of 247 not out. In those 87 Tests he bowled in 88 innings, took 47 wickets at an average of 40.70 with best innings figures of 5/61 ("Greg Chappell," n.d.).

In the preface to his biography on Chappell, respected journalist and author Adrian McGregor (1990) noted:

When Greg Chappell walked off the Sydney Cricket Ground on 5 January, 1984, having played his last Test, he had accumulated one of the most impressive records in Australian cricket history. He held the world record for catches, he had passed Sir Donald Bradman's Australian Test batting aggregate and (if Greg's World Series Cricket Supertests are included) he had surpassed India's Sunil Gavaskar as the most prolific rungetter of all time (1990, p. (Preface) 1 ).

But his impressive career was tarnished by the infamous underarm incident in a one-day match against New Zealand at the Melbourne Cricket Ground on Sunday, February 1, 1981.

The teams were 1-1 in a five-match finals series in the annual World Series Cricket competition (McGregor, 1990, p. 195). The New Zealanders needed six runs to win off the last ball to take the lead in the series when Chappell, the Australian captain, ordered his younger brother, Trevor, to bowl an underarm delivery. Summarising the reaction to the incident, Chappell's biographer, Adrian McGregor, wrote:

By Monday night the stream of denunciation of Greg was in full flood. Tony Greig called for his sacking, Keith Miller said one-day cricket had died and Greg should be buried with it. The Prime Minister, Malcolm Fraser, could see no excuses for Greg's actions under any circumstances. Harold Larwood deplored it, Bill O'Reilly felt humiliated. Sir Donald Bradman very cautiously stated, 'I totally disapprove of what happened yesterday. Action will be taken immediately to ensure it can never happen on a cricket field again' (McGregor, 1990, p. 210).

With the exception of the Prime Minister, all the critics were famous former cricketers.

The cricketer told his biographer:

1,400 hours as captain of Australia and I cocked it up for 30 seconds and I'll probably be remembered more for that than the other 1,400 hours (McGregor, 1990, p. 214).

Since his retirement three years after the underarm incident, Chappell has pursued various business and media opportunities, as well as maintaining an involvement with professional cricket. He has been a selector for national and Queensland teams, a member of the Australian Cricket Board (now called Cricket Australia) and a coach, including a stint coaching the Indian team ("Greg Chappell," 2010). Chappell was, for a time, a full-time selector ("First for Australian cricket as Greg Chappell named full-time national selector," 2010). Chappell played his last Test for Australia in Sydney, more than four years before the incident which is the focus of this case study.

***The incident:***

This case study centres on the reporting of the July, 1988, privacy case involving the former Australian cricket captain. At the time, Chappell had been married for more than 16 years (McGregor, 1986, p. 79). The *Channel Nine* current affairs program 'A Current Affair' (ACA) was planning to broadcast a story which discussed what the court later called 'unusual

sexual activities' involving Chappell and an alleged former lover ("NSWLR 153," (1988), p. 156). The ACA segment followed an earlier story in the midweek (Dougall, 1988a) and weekend (Dougall, 1988b) editions of the Melbourne *Truth*, which was described by the court as 'Australia's sleaziest newspaper' ("NSWLR 153," (1988), p. 157). Chappell took ACA to the Supreme Court of New South Wales to prevent publication of the TV version of the story. He was said to have taken out defamation proceedings in Queensland against the *Truth* when promotion of the segment started to appear on *Channel Nine* ("NSWLR 153," (1988), pp. 156 - 157). The NSW Supreme court was told the alleged lover denied having been paid by *Truth*, but had originally sold her story to London's *News of the World* for \$25,000 ("NSWLR 153," (1988), p. 157). The now defunct *News of the World* broke the original story, and *Truth* bought the Australian rights. Chappell won an injunction from the NSW Supreme Court preventing the broadcasting of the segment in that state until the result of the defamation case. The owner / publisher of *Truth* at the time, Mark Day, told the researcher during the interview that forms part of chapter 11 of this thesis, that he had no recollection of a Chappell defamation case, saying he would certainly have remembered a conviction or payout (Day, 2011a).

Both weekly editions of the *Truth* (Dougall, 1988a, 1988b) carried versions of Chappell's lover's revelations. The midweek edition, under the front page banner headline "'Chappell was my lover': Girl, 20, claims" detailed in the opening paragraph of the story how the 20-year-old Brisbane-born Miss Hickey claimed in a statutory declaration that she and Chappell had been secret lovers for the previous 11 months (Dougall, 1988a) having met at a Brisbane nightclub. The *Truth* article also reported two other statutory declarations, from former flatmates of Miss Hickey, one a waitress, the other a waiter, and both giving details

of the former cricketer's relationship with Miss Hickey (Dougall, 1988a, p. 2). The story said Chappell declined to confirm or deny the relationship (Dougall, 1988a, p. 2).

By the weekend edition of the *Truth*, the article had taken a more overtly-sexual tone (Dougall, 1988b). The headline declared: "Girl tells: 'Chappell a kinky lover'". In the midweek version the second paragraph described Hickey as 'a debt collector, of inner suburban New Farm' (Dougall, 1988a, p. 1). By the weekend edition a new second paragraph had been added in which she was 'Redheaded Samantha' who 'has revealed intimate details' of her alleged relationship with the cricketer (Dougall, 1988b, p. 1). At the time the weekend edition of *Truth* was titillating its readers with more revelations about his alleged sex life, Chappell was in Paris with his wife, Judy, for a friend's wedding, and maintaining his silence (Dougall, 1988b, p. 1). Much of the detail in the two editions of the paper is identical with direct quotes from Miss Hickey's statutory declaration and the statements from the two flatmates, but the newspaper probably chose to withhold the more salacious aspects of the story to provide a fresh approach for their weekend edition. A cartoon in the weekend edition, commenting on the story, had two batsmen and a bowler in the centre of a cricket pitch with one reading a copy of *Truth* with the headline 'Love Shock: story p. 5' and making the overtly sexual, and cricket-related, comment which was also used in the previous chapter on Keith Miller – "See what happens when you bowl a maiden over, off field?!!" ("Cartoon," 1988).

It was against this background – of his alleged affair which had been available from the nation's news-stands for several days – that Chappell took *Channel Nine* to the NSW Supreme Court seeking an injunction against 'A Current Affair' broadcasting a story that would have included content from the *Truth* articles. Stories about the court case would be published on days scattered through the period from Tuesday, July 12, to Thursday, July 21,

1988. Over that 10-day period, there were stories published on only five days. At the time, the former national captain was a commissioner of the Australian Cricket Board and adjudicated on the public behaviour of the nation's cricketers (Pearson, 2004b, p. 189). The injunction was granted partly because the court decided that Chappell's private life was not a matter of public interest (Pearson, 2004b, p. 189). *Channel Nine* suggested that in light of Chappell's position with the ACB, his behaviour demonstrated a propensity to indulge in unworthy conduct and that his conduct was of legitimate public concern. Mr Justice Hunt found that the Code of Behaviour on which the network relied for a public interest defence had nothing to do with the behaviour of cricketers in private or in their bedrooms. It related to their public behaviour – both on and off the field ("NSWLR 153," (1988), p. 166).

The case was an important milestone in the modern debate on what constitutes privacy as far as media intrusion is concerned because it helped further develop what is known as 'the public interest' (Attard, 2006), originally established in the seminal *Bread Manufacturers* case ("SR (NSW) 242," 1937) more than 50 years earlier, which also involved the *Truth*.

Summarising the proposed ACA segment, Mr Justice Hunt noted in his judgment: 'She (Miss Hickey) ends up complaining that the media had turned her "relationship" with the plaintiff into a smut circus which it is not"' ("NSWLR 153," (1988), p. 157).

***Attitude to privacy at the time:***

At least one judicial view of privacy at the time can be found within the NSW Supreme Court judgment at the centre of this case study. In a closing comment about the state of the Australian media and privacy at the time, Mr Justice Hunt said:

The Australian media is, in general, reasonably responsive to the need to permit public figures some degree of privacy in relation to their private behaviour. Such a need arises [for a case like this] because, if every public figure is to become 'fair

game' in relation to his private behaviour which is unrelated to his capacity to perform his public duties, the community will suffer from an unwillingness of suitable people to enter public life ("NSWLR 153," (1988), p. 172).

Justice Hunt made it clear what he thought of the coverage in *Truth*:

It is only when a newspaper like the *Truth* thumbs its nose at every decent standard of journalistic integrity that a case such as the present can arise ("NSWLR 153," (1988), p. 172).

He also chided 'A Current Affair' saying he was 'frankly astonished' that the program, which 'prides itself upon a reputation of some journalistic integrity' had sought to justify the republication of the 'sleaze published by the *Truth* newspaper' ("NSWLR 153," (1988), p. 172).

Few papers of the time went as far as the *Truth* in publishing raunchy photos and stories centring on sex, preferring the moral high ground. The notorious Melbourne weekly, though, regularly published photos of topless women. In the week before the Chappell revelations, there were two topless women in the first few pages of the paper ("Sandra Jane all at sea," 1988; She's our smasher!," 1988), and a double-page spread later in the paper supposedly about angry wives picketing a hotel in protest against topless barmaids' which contained six pictures of topless women, one of a fully naked woman taken from the rear and only one picture of the group of women holding up protest signs ("Pub Strip Outrage," 1988). The week after Chappell's sex life had been front page news in the *Truth*, the paper was publishing details, again on their front page, of another famous Australian's love life, and using the story as an excuse to publish a topless photo of the star of the TV soapie *Neighbours*, Kylie Minogue ("Kylie love mystery!," 1988). The 'mystery' was just how 'close' she and her soapie co-star, Jason Donovan, had become, but the story quoted Kylie, who at

the time was starting to enjoy international success as a pop singer, as hinting that her romance with Jason was 'alive and well' ("Kylie love mystery!," 1988). As has been noted in previous chapters, the Australian Press Council was not formed until 1976, meaning that it could not have been called upon to adjudicate any complaints about the particular coverage of Bradman and Miller. Nevertheless, although it had been established for more than a decade, there is no indication in the Press Council adjudications for the last half of 1988 ("Australian Press Council adjudications 373 - 388," 1988) or the whole of 1989 ("Australian Press Council adjudications 389 - 428," 1989) that Chappell, or anyone else on his behalf, sought redress against the *Truth* through the Council.

By the time of the Chappell incident, the Council had begun to articulate its position on privacy. Deborah Kirkman (1996) , in her Master's thesis on the Press Council's early history, published as part of the its 20<sup>th</sup> anniversary papers, said that what people read in the newspapers in the 1950s they believed (Kirkman, 1996, p. 4). By the 1970s, she said, Australia had changed irrevocably:

No longer would Australians blindly accept what they were being told by the Church, the State and the press. The old taboos broke down, it was a more relaxed society, where a discussion, over the dinner table, of sex, politics and religion was no longer considered to be in bad taste. And the press reflected this liberalisation (Kirkman, 1996, p. 4).

In their first statement of principles, the Council included several clauses that could be applied to cases of privacy invasion. Clause 7 states a view similar to that of Mr Justice Hunt quoted above:

A newspaper has a wide discretion in matters of taste, but this does not justify lapses of taste so repugnant as to bring the freedom of the press into disrepute or be extremely repugnant to the public (Kirkman, 1996, p. 29 Appendix 2).

While noting in Clause 8 that a newspaper should not place 'gratuitous emphasis' on, among other things, sexual preference, the Council also came out strongly about the need to allow for a 'prompt and appropriately prominent reply' to those aggrieved by a publication (Clause 10) and in Clause 11, to correct inaccuracies:

A newspaper should make amends for publishing information that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, such retraction, correction, explanation or apology as will neutralise the damage as far as possible (Kirkman, 1996, p. 29 Appendix 2).

The Australian Journalists' Association (AJA) reviewed and replaced its Code of Ethics in 1984 with a new version which was to last until the current code replaced it in 1999 (Report of the Ethics Review Committee, 1997, pp. 122 - 123 Appendix 2).

While the 1984 version contained a similar clause to the original Code about not placing unnecessary emphasis on sexual preference, more important in the context of this thesis is the new clause 9:

They shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude on them (Report of the Ethics Review Committee, 1997, p. 123 Appendix 2).

So while some in the Judiciary had firm notions of what constituted an invasion of the privacy of a public figure, attitudes in the community were changing from those prevalent at the time of the last two case studies, and both the Australian Press Council and the

relatively-recently updated AJA Code of Ethics acknowledged that care needed to be taken when discussing issues relating to an individual's privacy.

***Background to the era in the media:***

It was the year of Australia's bi-centenary of European settlement and another Olympic Games. The games were held in Seoul, Korea, in September / October, and Australia finished 15<sup>th</sup> in the medal tally with three gold, six silver and five bronze medals ("Drugs furore mars Seoul Olympic Games," 2002). It was Australia's weakest performance since Moscow in 1980 when Australia had also finished 15<sup>th</sup> with two gold, two silver and five bronze in the Games best remembered for the boycott by 45 nations, led by the United States in protest against the Soviet Union's invasion of Afghanistan the previous December. Many Australian athletes had elected not to attend ("Moscow 1980," 1980). But as can be seen by the headline above, the Seoul Olympics were stained by a drugs' scandal which saw the disqualification of Canada's Ben Johnson after he won the prestigious 100 metre sprint, in the then world record time of 9.79 seconds ("Seoul 1988," 1988).

The biggest story of the week under review was the on-going four-state 'truckie blockade'. About 4,000 truck drivers were lined up at 20 blockades across the country campaigning for lower registration fees and lower government charges (Dunn & Burton, 1988).

It was a year of political upheaval in Queensland, Chappell's home state at the time, with the ongoing revelations from the Fitzgerald Royal Commission ("The Fitzgerald Inquiry," n.d.). The final report of the Royal Commission, delivered the following year, led to the former Premier, Sir John Bjelke-Peterson, being charged with perjury, but later acquitted, and the former Police Commissioner, Sir Terrance Lewis, being convicted of corruption, jailed, and being stripped of his knighthood ("The Fitzgerald Inquiry," n.d.):

The Fitzgerald Inquiry, while set up to look at police corruption, left in its wake a trail of embarrassed celebrities, politicians and business identities, judges and other statutory office holders, companies, banks, law firms, valuers and real estate agents ("The Fitzgerald Inquiry," n.d.).

A week before the *Truth* revelations, the Sydney paper, *The Sunday Telegraph*, devoted most of a page in their sporting section to a story headed 'Greg Chappell lashes cricket bureaucrats' (da Costa-Roque, 1988), in which he discussed his recent decision to 'cut all ties with cricket'.

It was a difficult time for the print media, in particular, the afternoon tabloids. The Board of John Fairfax said, among other things, 'the switch by readers to television viewing and advertisers to use the day-long exposure of morning instead of afternoon papers' led them to announce on March 14, that they would be closing the Sydney afternoon tabloid, *The Sun* later that month ("Fairfax closes The Sun: Times on Sunday shuts, too," 1988). In the previous six years *The Sun* had lost nearly 130,000 in daily circulation, and was losing \$20 million a year ("Fairfax closes The Sun: Times on Sunday shuts, too," 1988).

***Newspaper coverage:***

First news of the Chappell injunction came on Tuesday, July 12, in three morning papers ("Court halts TV report on Chappell allegation," 1988; Dennis, 1988a; King, 1988) in three separate states, oddly, though, not in Queensland, Chappell's home state. The Madonna King version of the story in Melbourne's *Sun News Pictorial* (1988, p. 15) and the story that appeared in the *Adelaide Advertiser* ("Court halts TV report on Chappell allegation," 1988, p. 3), are virtually identical, a clear example of the interstate news exchange process in action, since Rupert Murdoch had taken over The Herald and Weekly Times (which owned both) a year earlier. Both stories were 12 paragraphs in length and record, among other things that:

Less than 30 minutes before the program was due to begin, *Channel 9* was notified that Chappell had been granted an injunction by Justice Moynihan in the Brisbane Supreme Court (King, 1988, p. 15).

The un-by-lined version in *The Advertiser* only adds the names of Chappell's lawyers. The Sydney lawyers were also successful in stopping the program. Mr Justice Hunt, in the Supreme Court in Sydney, enforced the injunction until 4pm on the following day (King, 1988, p. 15).

Perhaps fearing a libel suit themselves – Chappell had allegedly begun libel proceedings against the *Truth* – the papers that did report the story limited their discussion of the allegations. *The Advertiser* version reported:

The program included an interview with a 20-year-old Brisbane girl and is based on a report published in the Melbourne-based *Truth* newspaper ("Court halts TV report on Chappell allegation," 1988, p. 3).

The editors in Melbourne were more guarded, dropping any reference to the locally-published *Truth* (King, 1988, p. 15).

*The Sydney Morning Herald* chose to cover the story on their 'Stay in Touch' page in an often humorous section titled 'Today's People' under the heading 'Weird world of sports' (Dennis, 1988a, p. 24). While the *Herald* version did not go into as much detail as the other two, it did note that the ACA producers intended to 'fight the injunction'. But the *Herald* did give added international context to the story:

The story, which contained certain allegations regarding Chappell's sex life, spread to a couple of papers on Britain's Fleet Street, where it was gleefully noted that it was Chappell, during his days on the Queensland Cricket Board, who was responsible for the demise of Ian Botham (Dennis, 1988a, p. 24).

Botham was sacked from the Queensland Sheffield Shield side after he was fined \$1,000 for assaulting an airline passenger on a Brisbane to Melbourne flight (Franks, 2007). Sir Ian Botham, knighted for services to cricket and his charity work, provided other tabloid headlines about his private life in the '80s (Franks, 2007).

The following day none of the newspapers researched for this thesis that were being published at the time (*The Advertiser*, *The News*, *The Sun News Pictorial*, *The (Melbourne) Herald*), *The Age*, *The Courier-Mail*, *The Canberra Times*, *The Sydney Morning Herald*, *Daily Telegraph*, *Daily Mirror*, or *The Australian*), covered the on-going Chappell injunction story. *The Courier-Mail*, Chappell's home town paper, was more interested in reporting Royal Commissioner Tony Fitzgerald's criticism of one of their stories which the Commissioner said 'relied on anonymous police sources and falsely insinuated a controversy between the commission and the police force' ("Inquiry commissioner criticises news report," 1988, p. 1) and a row over a big Japanese food company paying \$10 million for a prime cattle property near Texas on the Queensland / New South Wales border (Collie, 1988, p. 1).

By that afternoon, the case was over. The next morning's papers in Sydney, Brisbane and Adelaide ("Ban stays on woman's Chappell allegations," 1988; Chappell wins ban on girl's TV claim," 1988; Chappell wins fight to keep 'affair' off TV," 1988; Dennis, 1988b; Falvey, 1988b) reported that Mr Justice Hunt had extended 'until further order' the temporary injunction granted on the previous Monday ("Chappell wins fight to keep 'affair' off TV," 1988, p. 5). The papers that did publish the result of the hearing – it didn't appear in the Canberra paper – devoted considerable space to the story. Chappell's home town paper, *The Courier-Mail* ("Chappell wins ban on girl's TV claim," 1988), placed the story down most of the eighth and final column on its front page, spilling the remainder of the 23-paragraph

coverage onto page two. In Adelaide, where Chappell was born and played much of his early cricket, *The Advertiser* gave the story 29 single-column paragraphs on page three. *The Daily Telegraph* in Sydney, where the decision was handed down, devoted 18 single-column paragraphs to the story on page five ("Chappell wins fight to keep 'affair' off TV," 1988). The national daily, *The Australian*, ran the story to a length of 14 paragraphs on page three, but gave the story added 'play' by having the paragraphs spread over the equivalent of three columns, in two sections each one-and-a-half traditional columns wide (Falvey, 1988b) in one of only two by-lined versions of the story. The smallest coverage (five paragraphs) was in *The Sydney Morning Herald* which continued its earlier practice of running the story on its 'Stay in Touch' page under the sub-heading 'Weird World of Sports' in the 'Today's People' section (Dennis, 1988b). In keeping with the tone of that section of *The Sydney Morning Herald*, the story covered little of the actual case, but continued to push the British connection 'sensational rumours ... circulating on the identity of the source of the story' when it reported that 'a leading English cricketer, who must remain anonymous, is suspected of peddling the story to the Melbourne *Truth*' (Dennis, 1988b). Given the reference to Botham's history with Chappell in the same column earlier, it was obvious to regular readers who they were implicating.

The other four versions of the story on July 14 limited their coverage to comments in court by Justice Hunt and the respective lawyers for Chappell and *Channel Nine*. There were a number of common threads to the stories. The papers, for the first time, named the woman (Miss Samantha Hickey) who had made the allegations against Chappell ("Ban stays on woman's Chappell allegations," 1988; Chappell wins ban on girl's TV claim," 1988; Chappell wins fight to keep 'affair' off TV," 1988; Falvey, 1988b). They also reported that Chappell had been accused of committing adultery with Miss Hickey, and all but *The Advertiser* ("Ban

stays on woman's Chappell allegations," 1988) added that he had engaged in 'sexual activities of an unusual nature' ("Chappell wins ban on girl's TV claim," 1988; Chappell wins fight to keep 'affair' off TV," 1988; Falvey, 1988b). All four contained variations on the Judge's comment that while Chappell played cricket in public:

He should be entitled to play in private ("Ban stays on woman's Chappell allegations," 1988; Chappell wins ban on girl's TV claim," 1988; Chappell wins fight to keep 'affair' off TV," 1988; Falvey, 1988b).

Mr Justice Hunt said he would give his reasons for continuing the injunction at a later date ("Chappell wins ban on girl's TV claim," 1988).

One of the Sunday papers, *The Canberra Times*, found another British connection to the story the following weekend:

Mr Mike Gatting, sacked from the English team for alleged naughtiness in private with a consenting adult, would have been interested in a decision in the New South Wales Supreme Court (Warden, 1988).

Continuing the rather flippant tone of the article, Warden reported that the story had first appeared 'in the widely-respected Melbourne *Truth* newspaper'. He also reported that the judge had said that the *TCN 9* counsel's argument that Chappell was a public figure so the story of his alleged infidelity was in the public interest was 'an argument for the masses to perv on someone' (Warden, 1988).

Mr Justice Hunt gave the reasons for his decision on Wednesday, July 20. The Adelaide afternoon tabloid, *The News*, led its front page with a sympathetic report ("Woman 'meant to hurt Chappell'," 1988) and continued the coverage on page two under the same headline for a total of 15 paragraphs. The headline referred to Mr Justice Hunt's comment that Miss

Hickey had wished to 'inflict the greatest possible harm' on the former cricketer ("Woman 'meant to hurt Chappell'," 1988).

Of particular relevance to this thesis were the quoted comments from the Judge:

'In my view, unless the public figure makes his private activity a matter of public interest himself ... that private activity can be a matter of public interest only if it has some bearing upon his capacity to perform his public duties' ("Woman 'meant to hurt Chappell'," 1988, p. 2).

He said that whether the publication of such material was in the public interest was a matter for the Judge in the alleged defamation case against the *Truth* to decide.

The following morning, broadsheets and tabloids alike in four states covered the story in tones sympathetic to Chappell. They all led their stories with either the 'enormous injury' that would have been done to Chappell had the TV station been allowed to broadcast their story ("Chappell had clear case: Judge," 1988; Chappell would have suffered enormously over affair allegations: judge," 1988; 'Enormous injury' to Chappell in report," 1988; Falvey, 1988a) or repeated *The News's* lead from the day before about the woman 'wishing to inflict the greatest possible harm' (Fife-Yeomans, 1988; Woman aimed to harm Chappell, says judge," 1988). This series of stories is significant in that it is the first time that one of the country's major broadsheets, the Melbourne morning paper, *The Age* ("Woman aimed to harm Chappell, says judge," 1988), had carried a story about the scandal, and the first time that fellow-broadsheet *The Sydney Morning Herald* (Fife-Yeomans, 1988) had placed its coverage in the general news pages of the paper and dealt with it in a serious manner under the headline "'Smut circus" says Chappell case judge'. The stories quoted liberally from Mr Justice Hunt's decision, much of which had either been mentioned in the previous day's

coverage in *The News* or in the general discussion of the incident in earlier sections of the case study.

*The Daily Telegraph's* Jennifer Falvey (1988a), whose by-line had also appeared above a story on the case a week earlier in News Limited's sister publication, *The Australian* (Falvey, 1988b), summarised the Judge's opinion of the Melbourne *Truth*, the original source of the allegations, when she quoted his decision in relation to the allegations in the *Truth* articles:

... as might be expected from that particular journal (facts) are presented in the highly sensationalised and unrestrained manner originally fashioned in the United States – where its practitioners were named the yellow press – and subsequently raised to an artform (sic) by certain British tabloid newspapers (Falvey, 1988a).

The longest stories were published in the former cricketer's home town of Brisbane, where *The Courier-Mail* story ("Chappell would have suffered enormously over affair allegations: judge," 1988) ran to 23 paragraphs and in Adelaide, where he'd spent his early years, where *The Advertiser* coverage ("'Enormous injury' to Chappell in report," 1988) was only one paragraph less in length. The other versions, in the Sydney and Melbourne papers, were still of substantial length, running to 15 or 16 paragraphs.

In summary, over a nine-day period, nine newspapers in four states and one territory cautiously covered the major developments in the case a total of 16 times. The only page one references came in Chappell's home town, Brisbane, in the broadsheet *Courier-Mail* ("Chappell wins ban on girl's TV claim," 1988) and in *The News*, the afternoon tabloid paper in Adelaide ("Woman 'meant to hurt Chappell'," 1988).

Appendix 8:1 at the end of this chapter details all the stories published on the issue under discussion in the period July 12 to 21, 1988. Table 8:1 below gives a day-by-day breakdown

of the number of researched newspapers that covered the story and Table 8:2 shows how many times the respective newspapers covered the Chappell story.

Day	Number of papers mentioning	Number of stories
July 12	3	3
July 14	5	5
July 17	1	1
July 20	1	1
July 21	6	6

**Table 8:1: The timeline for the stories on Chappell's private life (July 12 – 21, 1988) showing when they appeared and in how many newspapers.**

Paper	Number of Stories
The Advertiser	3
The Sydney Morning Herald	3
Sun News Pictorial	2
The Courier-Mail	2
Daily Telegraph	2
The News	1
The Australian	1
The Canberra Times	1
The Age	1

**Table 8:2: Shows how many stories each newspaper published about the private life of Greg Chappell – July 12 – 21, 1988).**

***One article analysed:***

The coverage of Justice Hunt's reasons for granting the injunction against *Channel Nine* in *The Courier-Mail* ("Chappell would have suffered enormously over affair allegations: judge," 1988) published in Brisbane on July 21, 1988, was chosen for closer analysis because it was published in Chappell's home town, and was the longest of the various versions. The story was splashed across all eight columns at the top of the morning then-broadsheet's page three, hence the lengthy headline. The general framing of the article is sympathetic to the cricketer, quoting the judge as saying that allowing 'A Current Affair' to effectively re-publish the 'sleazy gutter journalism' would have caused Chappell 'enormous injury' and that he had 'a very clear case' for the injunction ("Chappell would have suffered enormously over affair allegations: judge," 1988). The story made only brief mention of the allegations

against Chappell (of adultery and 'sexual activities of an unusual nature') but noted that he denied them ("Chappell would have suffered enormously over affair allegations: judge," 1988). It pointed out that the judge did not detail the contents of the *Truth* articles:

He said to do so would invite its republication in the more widely read and heard media 'and, thus, justify Ms Hickey's wish – which is clearly apparent from everything she has done so far – to inflict the greatest harm possible upon (the cricketer)' ("Chappell would have suffered enormously over affair allegations: judge," 1988).

The story also used the aforementioned quotes from Mr Justice Hunt about the genesis of 'yellow journalism'; how the Australian media were generally responsive to the need to allow public figures some degree of privacy in their private behaviour; and that it was only when a newspaper like the *Truth* thumbed its nose at every journalistic standard of journalistic integrity that a case like Chappell's arose ("Chappell would have suffered enormously over affair allegations: judge," 1988). All these sections add up to a sympathetic framing of Chappell, and the portrayal of the alleged lover as being intent on damaging the cricketer's reputation. There was very little about the allegations and a great deal to suggest the writer's view was that if he had done what the woman was suggesting, it was none of the public's business. It is not uncommon for media outlets to take any opportunity to criticise their opposition, so while the newspapers were sympathetic to Chappell, they were also drawing attention to what they saw as the unacceptable behaviour of one of the key players in the media at the time, the *Nine Network*, then owned by the Packer family, who also owned extensive magazine titles. This is also the only case study covered in this thesis that includes a court order, and newspaper coverage would have been handled more carefully at the time, lest they fall foul of contempt laws.

### ***Chadwick and the Code of Ethics:***

As was the case in the previous two chapters (and will be in the following two chapters), the cricketer involved in this case study enjoyed celebrity status or fame under the category of 'fame by achievement' in Paul Chadwick's five-point 'Taxonomy of Fame' (Chadwick, 2004, p. 1). As the Literature Review showed, the print media's various instruments of self-regulation (Code of Ethics, Charters of Editorial Independence, and the Australian Press Council's principles and standards) acknowledge that privacy is a value to be respected. Chadwick consistently asked the question in relation to invasion of privacy (of which the Chappell revelations are a prime example): 'Does the public interest in disclosure outweigh the reasonable expectation of privacy of the person involved' (Chadwick, 2004, p. 7). The clear implication in this case was that irrespective of any truth in the allegations – and Chappell strenuously denied them – that he had every expectation that he would not be seeing it on the front and inside pages of notorious publications like the Melbourne *Truth* and the now-defunct Murdoch-owned London weekend tabloid, *The News of the World* or on a popular TV current affairs program. As noted earlier, sporting celebrities (like many other celebrities from the realms of film, television and music) initially exchange their privacy for the fame that brings wealth (Chadwick, 2004, p. 9). But do they give up their privacy for the rest of their life? In Chappell's case he had last played for his country more than four years earlier.

The revised 1984 AJA Code (Report of the Ethics Review Committee, 1997, pp. 122 - 123) which was in place at the time of this coverage, for the first the first time contained a clause (number 8) which stated that journalist members 'shall respect ... personal privacy and shall have the right to resist compulsion to intrude' (Report of the Ethics Review Committee, 1997, p. 123). While the Code in its preamble talked about 'the public's right to

information' as being an overriding principle for all journalists (Report of the Ethics Review Committee, 1997, p. 122), as discussed in the Literature Review, there is a big difference between the 'right' or 'need' to know, and simply 'wanting to know' to satisfy media or public curiosity about the sexual habits of the 'rich and famous'.

**Summary:**

This case study has shown that the mainstream media's interest in sporting icons would only go so far. While sensationalist weekly tabloids, like the *Truth* and *The News of the World*, might cater to a perceived public interest in the late '80s in the private life of one of Australia's best post-war batsmen, most of daily newspapers of the time showed no interest in repeating the more salacious allegations against Chappell, and only joined the story when Chappell took legal action to stop the tabloid television current affairs program, 'A Current Affair', trying to bring the allegations to the wider community. For a fortnight from the initial release of the story in the midweek edition of Melbourne's *Truth* to the release of the judge's reasons for upholding an injunction against 'A Current Affair' repeating some of the allegations, the mainstream media showed only moderate interest in the court story, mainly supporting Chappell's claim to privacy. They showed no interest in further publicising the central allegations, given the court order in place at the time.

The outstanding issue in this case study is whether the *Truth* should have published such intensely private information about any individual in the first place, and how 'A Current Affair' could use a defence of public interest in an attempt to get the most salacious details of the *Truth* story into people's living rooms. The judge left the public in no doubt of his opinion of *Truth*, describing it, as mentioned earlier, as 'Australia's sleaziest newspaper'. While the first two cricketers researched for this thesis (Bradman and Miller) were still at the height of their popularity at the time of the respective incidents under consideration

(although Bradman's cricketering career was on hold during the Second World War, he was still very popular), Chappell, while maintaining an interest in cricket, and having business interests, was in the cricketering background. This begs the questions: at what stage does a celebrity lose the status of sporting celebrity, and qualify for a higher degree of privacy? It is an issue that will be discussed further in the next case study, which centres on Shane Warne.

The print media may have been tempered in their coverage for fear of following *Truth* and *Channel Nine* into the courts, but there was still ample coverage of the court case and, to a lesser extent, its genesis in the *Truth*. While the previous case study was characterised by suggestive innuendo, little was left to doubt by *Truth* about what was allegedly involved in Chappell's behaviour. The central question to be asked from this case study is whether there is any justification for repeating salacious allegations about the private life of a former cricketering hero? If there is, at what stage do you draw the line? The Melbourne *Truth* was the most sensationalist tabloid of the time, filling its pages with sex scandals and topless women. The former is now the province of the weekly women's magazines, and the latter are to be found in some downmarket men's magazines.

**Appendix 8:1:**

Date	Paper	Story
Tuesday, July 12, 1988	The Advertiser	Court halts TV report on Chappell allegation (page 3) 12 pars
"	The Sydney Morning Herald	Stay in Touch column. 'Weird world of sports' (page 24) 3 pars Anthony Dennis
"	The Sun News Pictorial	Chappell stops story (page 15) 12 pars. Madonna King
Thursday, July 14	The Advertiser	Ban stays on woman's Chappell allegations (page 3) 29 pars All of final (seventh) column of page
"	The Courier-Mail	Chappell wins ban on girl's TV claim (page 1 & 2) 23 pars Column 8 of page 1
"	Daily Telegraph	Chappell wins fight to keep 'affair' off TV (page 5) 18 pars
"	The Australian	Chappell wins court order to stop TV show (page 3) 14 pars Jennifer Falvey
"	The Sydney Morning Herald	Stay in Touch column. 'Weird world of sports' (page 24) 5 pars Anthony Dennis
Sunday, July 17	The Canberra Times	Sportsmen cavort on and off the field (page 2) 1 par (3 sentences). Part of 7-segment 'Sunday Reflections: The Week in Review'. Ian Warden
Wednesday, July 20	The News	Woman 'meant to hurt Chappell' (pages 1 & 2) 15 pars Page 1 lead.
Thursday, July 21	Sun News Pictorial	Chappell had clear case: judge (page 4) 15 pars (in later editions, page 37)
"	Daily Telegraph	Chappell sex report ban explained (page 7) 15 pars Jennifer Falvey
"	The Advertiser	'Enormous injury' to Chappell in report (page 17) 22 pars
"	The Sydney Morning Herald	'Smut circus', says Chappell case judge (page 7) 16 pars Janet Fife-Yoemans
"	The Age	Woman aimed to harm Chappell, says judge (page 20) 15 (long) pars
"	The Courier-Mail	Chappell would have suffered enormously over affair allegations: judge (page 3) 23 pars across all eight columns at top of page

**Appendix 8:1 shows the stories about Greg Chappell's private life – July 12 – 21, 1988.**

## Chapter 9

### Cast Study 4: Shane Warne

#### ***Introduction:***

The second last case study centres on the reporting of an incident in the private life of a major figure in modern Australian cricket, spin bowler Shane Warne. As with the previous three studies it will follow the format of introducing the cricketer, examining the public attitude to privacy and considering the print media agenda at the time. It will also analyse the media coverage of the incident, focussing on one article in particular, and discuss some of the issues raised by the coverage.

#### ***The cricketer: Shane Warne***

Arguably the most famous and influential cricketer since Don Bradman, Warne is largely credited with revitalising the art of leg spin bowling after an era dominated by fast bowlers (Linden & Mulvenney, 2011). Warne's career spanned 15 years at Test level. He debuted at the Sydney Cricket Ground in early January 1992, and played his last Test there in early 2007 ("Shane Warne," n.d.). He continued to play one-day and T20 games before he finally retired from international competition at the 2011 Indian Premier League season ("Watson the hero as Warne bows out," 2011). He was setting records on the back pages while his off-field behaviour was gaining front page coverage. Warne became a household name after what commentators and cricket writers called the 'ball of the century' to dismiss English batsman Mike Gatting at Old Trafford in 1993 ("A larrikin departs," 2006). He became Australia's highest wicket-taker, passing fast bowler Dennis Lillee's 355 as well as being named one of *Wisden's* five cricketers of the Century in the same year as one sex scandal broke ("A larrikin departs," 2006). Don Bradman was top of *Wisden's* list, while Warne was

the only specialist bowler, the only current player to make the list, and the only one not knighted for his services to the game ("Wisden's cricketers of the century," 2000). He played 145 Tests, took the then-world record total of 708 wickets at an average of 25.41 ("Shane Warne," n.d.) . His best bowling in an innings was 8/71, and in a match 12/128. He took five wickets in an innings 37 times, and 10 wickets in a match 10 times ("Shane Warne," n.d.). He didn't score a Test century, but came tantalisingly close, scoring 99 against New Zealand in Perth in 2002 ("Shane Warne," n.d.). It was later shown he had been caught off a no-ball. [Warne's record was later passed by another spinner, Sri Lanka's Murali Muralitharan, in 2010. Murali retired having taken exactly 800 test wickets ("Magical Muralitharan snares 800th Test wicket," 2010)]. Warne's announcement in late December, 2006, that he would retire at the end of the final Ashes Test of the series against England in the following month in Sydney, gave Australian newspapers the opportunity to laud his contribution to the game. On the morning of the expected announcement, *The Daily Telegraph* editorial was headed 'A bowling Bradman' and said it was 'impossible to overstate' Warne's contribution to cricket ("Editorial: A bowling Bradman," 2006). The editorial ignored his off-field dramas to concentrate on his cricketing legacy:

Warne has become the greatest bowler the game has ever produced. As Bradman was to batting, Warne was to bowling and it is unlikely we will ever see his like again ("Editorial: A bowling Bradman," 2006).

The next day, with the official announcement made, the paper further editorialised:

The statistics which comprise the career story of the incomparable Shane Warne, who announced yesterday that he would retire at the end of the current Ashes series, seem to run on without end. Too long to record here, they add up to one

undeniable fact – that Warne is simply the best bowler the world has ever seen ("Editorial: No way to put a finer spin on him," 2006).

*The Sydney Morning Herald*, as part of its tribute on the morning of the expected announcement, was less kind in their review of Warne's career in the news pages of the paper, titling its half-broadsheet-page story 'The good, the bad and the googly' (Marshallsea, 2006). [The 'googly' is a form of spin delivery, favoured by Warne]. The first few paragraphs of the story were more balanced than *The Daily Telegraph's* gushing editorials:

He is a sporting genius and a wayward larrikin, a human headline and tabloid sex scandal regular. He is the most successful bowler cricket has known, and probably, after Don Bradman, this country's second greatest sportsman. As Shane Warne bows out of cricket, the gulf he leaves behind, in many aspects, will be enormous (Marshallsea, 2006).

Respected former English player, *ABC* commentator and *SMH* cricket writer, the late Peter Roebuck was given three quarters of the broadsheet back page to discuss Warne's impact on the game. The three decks of the heading above his story (which was also the last two sentences of the story) set the tone:

Some sportsmen are acknowledged as geniuses. Others are regarded as greats of their game. Warne has been both. (Roebuck, 2006).

Nearly 18 months earlier, Malcolm Conn, then *The Australian's* chief cricket writer, gave his verdict after Warne's latest scandal had appeared in the *Sunday Mirror* ("Shane's Shame," 2005) in a feature titled 'Cyclone Shane' (2005). The lengthy sub-heading above that story said:

After 13 years on the road with cricket's greatest bowler, Malcolm Conn concludes that Shane Warne's failure to accept responsibility, his vanity, insecurity and fragile ego have made him a liability (2005).

When he finally retired from international first-class cricket on May 20, 2011, at the end of the preliminary rounds of the Indian Premier League tournament, there were none of the lengthy reflections on his contribution to cricket and his private life shared the stage with stories about his final appearance on a cricket field. A *Factiva* database search of the nine-day period from May 15 – 23 revealed a total of 28 stories [one written by himself (Warne, 2011a)] in Australian papers previewing and reviewing his last game. Eight concerned his latest controversy – the \$US50,000 (then \$AUD47,184) fine over a spat with a cricket official that threatened to see him banned from his final game (Lalor, 2011b). Two concerned his cricket future – one suggesting a role with the new Victorian T20 Big Bash teams (R. Nicholson, 2011), but five days later, on the eve of his final game, his manager James Erskine told *The Sydney Morning Herald* (Wu, 2011) that was unlikely. Six of the stories concerned his last game (from a cricket point of view), making a total of 16 or 57% of the stories. The other 12 or 43% mentioned in passing his final game, but concentrated more on his private life. One paper, *The Canberra Times* couldn't miss one final 'dig' at his colourful off-field career ("Warnie's career was lived large, loud and lairy," 2011). The anonymous writer counted down what he called the 'Top 5 Warnie Moments', none of which referred to his cricketing prowess, to number one – 'Womanising Warnie' and noted:

There isn't enough print ink in the world to list every conquest ("Warnie's career was lived large, loud and lairy," 2011).

Another attempt at humour by *The Advertiser* noted that baked beans cost almost twice as much in Australia as they did in England and suggested maybe that was why the 'renowned

baked beans lover' had, as they put it, 'hooked up with British beauty Liz Hurley' (A. Keane, 2011). Then the piece, written by the paper's Finance Editor, Anthony Keane, having used Warne to attract readers, went on to offer advice on how to save on the grocery bill (2011). The other 10 stories fall into three categories. There were three about Liz Hurley rushing onto the field to embrace Warne at the end of the game (Moran, 2011). Another three were about Warne's battle with his waistline, typified by *The Daily Telegraph's* front page offering:

A man in love normally gets a little thicker around the middle, but in Shane Warne's case it seems he has committed himself to getting thin for Lizzy (Sharp, 2011).

The other four picked up on the final comment Warne made in his regular column for *The Telegraph* in London:

As for me, I'm not quite sure what the future holds. But I do note that the other four men who were chosen in *Wisden's* Five Cricketers of the Century are all Sirs.

Perhaps my knighthood has been lost in the post. Sir Shane Warne – it has quite a ring to it, don't you think? (Warne, 2011b).

The aforementioned senior News Limited cricket writer, Malcolm Conn noted, in *The Daily Telegraph* this time, that although Australia had abolished knighthoods 40 years ago, he had a simple solution – 'move in with new girlfriend Liz Hurley. Australians who make their permanent homes in the UK can still get British gongs' (Conn, 2011a).

While the 'farewell' column Warne wrote for Sydney's *Sunday Telegraph* is similar to the London counterpart, it makes no mention of a possible knighthood, preferring to leave the final comments to the game:

I am not exactly sure what my future holds, but I will stay in touch with cricket through my media work, so my opinion – if you like it – will still be out there (Warne, 2011a).

On his retirement from Test cricket back in 2006, Warne was asked whether he would miss the limelight. His unauthorised biographer, Paul Barry, records that he fired back:

I doubt it. Hopefully, it'll keep people off my front lawn for a while, following me around in cars, all those types of things. Hopefully that will die down. I won't miss that at all (Barry, 2007, p. 523).

***The incident:***

All Australian cricketing icons in this research have had books written about them – in Bradman's case a bookshelf full – but few celebrities of any vocation can claim to have had a musical performed about them while they are still alive. The Australian 'spin king' had just that ("Shane Warne not happy with musical," 2008), and when he reviewed the show after earlier expressing his displeasure, he noted he had always said his life was like a soap opera and 'my script writer did a great job throughout my cricket career' (Warne, 2008). He said when he first heard about the musical that 13 unauthorised biographies had been written about him 'and the first one I read was completely wrong' ("Shane Warne not happy with musical," 2008).

In nearly two decades of playing top level cricket, Warne had a long history of controversy. Among the 'lowlights' were his admission in 1998 that he and fellow-Australian cricketer Mark Waugh accepted money from an Indian bookmaker for information; being photographed smoking days before his \$200,000 sponsorship from the Nicorette company expired, and in August 2000 being stripped of the Australian vice-captaincy for his involvement in a phone sex scandal with a British nurse ("Behaving Badly," 2003). It is this

last incident – the phone sex scandal – that is the focus of this case study. There were any number of embarrassing incidents to follow, including being banned from playing for a year after admitting taking a banned substance – a diuretic he said he used for cosmetic purposes (Krupka, 2003), trouble in New Zealand in 2005 ("Warne linked with another text message controversy," 2005), and later that year in the United Kingdom (Bruce Wilson, 2005). Bruce Wilson's story reported on the London tabloid, *The Sunday Mirror* exposé titled 'Shane Warne sex shame: Cricket legend stripped naked and begged me for sex but he was out for a duck'. The London paper's coverage was reproduced as a single-column illustration at the top of Wilson's story in *The Courier-Mail* (2005). Warne's years of infidelity finished in divorce from his wife, Simone, soon after (N. Robinson, 2005). But while there were any number of incidents to choose from, the texting scandal of 2000 was chosen because the talented cricketer lost the vice-captaincy of the Australian team as a result, and with it any chance of leading his country on a permanent basis. One of the biographies less sympathetic to Warne was written by investigative journalist Paul Barry, who is perhaps better known for his biographies of Kerry Packer (2008), his son, James (2009), and their fellow one-time owner of the *Nine Network*, which broadcasts cricket in Australia, Alan Bond (1991). The Warne book, titled *Spun Out* (Barry, 2007), made headlines on its release because Barry suggested (2007, p. 176) that Warne had sex with at least 1000 women. Of the incident under review here Barry wrote:

(h)e actually had the gall [in an appearance on *A Current Affair*] to claim that he was the victim: of the Australian media's obsession with his private life; of exaggerations and inaccuracies; of people who pestered stars such as him (2007, p. 285).

Another of his biographers, Simon Wilde (2007) characterised the media's 'love / hate' relationship with Warne as:

(T)he written media were quite happy portraying Warne as a hero on the back page and villain on the front. There wasn't much in between (2007, p. 173).

***Attitude to privacy at the time:***

Shortly after Warne was being exposed in a London tabloid for his 'phone sex' in 2000, the British courts would hear the first of several major cases involving the invasion of the privacy of celebrities. The paparazzi had gate-crashed the wedding of film stars Catherine Zeta-Jones and Michael Douglas and the unauthorised photos appeared in the gossip magazine *Hello!* after the couple had signed a £1 million deal with the opposition *OK!* magazine (Verkaik, 2003). As mentioned in the Literature Review, the controversy surrounding the part the paparazzi played in the death of Princess Diana in 1997 was a watershed in the celebrity privacy debate, but it was the Douglas's case that provided the first opportunity for the law to consider the issue. The year after the Princess's death, the United Kingdom had passed the *Human Rights Act*, which included the *European Convention on Human Rights Act*, with its Article 8 (a right to privacy) and Article 10 (freedom of expression). While the British courts had not developed a tort of privacy, they have instead been using the already-established breach of confidence to compensate people who believed their privacy has been invaded. They had also allowed the so-called 'super injunctions' where a celebrity can apply to a court to prevent a media organisation from publishing something they consider invades their privacy. Super injunctions evolved from a series of British court rulings dating back to the 1998 Human Rights Act (Taylor, 2011). The injunction prevents the media from reporting that they are not allowed to report the particular story. In more recent times, the super-injunction has been thwarted by users of the social-networking site, Twitter ("Anonymous Twitter user leaks details of 13 super-injunctions," 2011).

The seminal case in Australia on common law privacy rights, ("Australian Broadcasting Corporation v. Lenah Game Meats," 2001), a couple of years earlier than the British privacy case, saw the High Court refrain from recognising a separate right to privacy, but left open the possibility of developing a new tort of Invasion of Privacy in a different situation in the future. Both the British and Australian cases were being heard around the time that Chadwick was further developing his 'five categories of fame' thesis (Chadwick, 2003, 2004, 2005; Chadwick & Mullaly, 1997) referred to in earlier chapters. The Media, Entertainment and Arts Alliance had the year before introduced the latest version of their journalists' Code of Ethics (1999), which will be discussed later. As mentioned earlier, the Australian government in early 2011 referred consideration of a tort for Serious Invasions of Privacy back to the Australian Law Reform Commission and that report is due in mid-2014. In the wake of his marriage break-up of 2005 and in a plea to the Australian media to 'leave my family alone', Warne was to re-state previous remarks that he received 'a fairer go' in the British media than he did in Australia (Fuller, 2005). Fuller stated the obvious:

Given that it has been the London tabloids that have exposed and paraded the infidelities that variously cost Warne the Australian vice-captaincy and his marriage, this might seem a fraction fanciful (2005).

Fuller quoted Warne in defence of his position about the English media:

'The one thing about Britain is that when some of that stuff is written, it's gone the next day. Over here in Australia it drags on for two, three weeks, front-page, back-page stories' (cited in Fuller, 2005).

This case study certainly supports his claim about the ongoing interest of the Australian media in the off-field antics of sports celebrities in general, and Warne in particular.

***Brief background of the era in the media:***

By 2000 there had been major changes in the mastheads publishing in the four states and the ACT used in this research. The Melbourne morning broadsheet, *The Argus*, ceased publication in 1957, meaning it could only have covered the Bradman and Miller incidents. *The Melbourne Herald* was combined with *The Sun News Pictorial* in 1990 to form the *Herald Sun*, meaning both papers were publishing during the Bradman, Miller and Chappell incidents and the combined tabloid covered the Warne and Clarke incidents. The Adelaide afternoon tabloid, *The News*, and its sister publication in Sydney, the *Daily Mirror*, also ceased publication in 1990, meaning they, too, were publishing at the time of the first three case studies. The other Sydney afternoon tabloid, *The Sun*, closed in March, 1988, meaning it was only publishing during the first two case studies (Bradman and Miller). The *Daily Telegraph* was combined with the *Daily Mirror* in 1990 (after both were publishing at the time of the first three case study incidents) and for a brief period published as *The Telegraph Mirror*, before reverting to its better-known masthead, *The Daily Telegraph*. For the purposes of comparison later in the thesis, the two 'versions' of *The Telegraph* have been considered separately as pre and post 1990. *The Australian* began publishing in 1964, and covered the final three case studies (Miller, Warne and Clarke), while *The Canberra Times*, *The Courier-Mail*, *The Sydney Morning Herald*, *The Age* and *The Advertiser* published throughout the 65-year research period.

The time period covered by this case study is the fortnight from when the scandal first broke in Australian Sunday papers on June 11, 2000, to the following Saturday week, June 24, when one of the nation's most influential papers, *The Age*, published in Warne's home town of Melbourne, called for him to be sacked as vice-captain of Australia ("Editorial: Warne

should lose his vice-captaincy," 2000), a position supported the same day by *The Courier-Mail* in Brisbane ("Editorial: Cricket bosses must clean up the game," 2000).

The Warne scandal broke on the Queen's Birthday holiday weekend in Australia. Like two other case studies (Miller and Chappell) already discussed, the incident occurred in an Olympic year, and, like the Miller case, in a year when the Olympics would be held in Australia – the 2000 games in Sydney. Stories about the forthcoming Sydney Olympics were prominent in the print media. Queenslanders at the time were following the Olympic Torch Relay through their state ("Follow the Torch," 2000), and another cricket scandal – the match-fixing inquiry into former South African captain, the late Hansie Cronje (Horan, 2000) – was also featuring on the news agenda. While the papers, particularly the tabloids (as will be demonstrated in the next section), published in the first week a series of news stories, opinion pieces and features on the Warne saga, other local stories were sharing the news agenda and page one headlines with the latest Warne scandal. In Adelaide, for instance, *The Advertiser* was covering a health care funding dispute that could see new aged-care beds left empty (Crabb, 2000). Other sporting stories were appearing on front pages around the country, like Olympic torch bearers Evonne Cawley (tennis) and Nicky Winmar (Australian rules football) being on board a plane that narrowly avoided a mid-air disaster in central Australia (Edwards, 2000) and Tiger Woods winning the 100<sup>th</sup> U.S. Open golf championship by a record winning margin of 15 strokes (Bryan, 2000). A major change to Australia's taxation system was less than a fortnight away, and the papers were advising readers about the Goods and Services Tax, the now-ubiquitous GST ("GST: 16-page consumer guide," 2000). Another of Australian sport's 'bad boys', former AFL star Sam Newman was making headlines with a new TV contract with *Nine's* AFL Footy Show. *The Advertiser* put the story on its front page with the headline: 'Rude, crude and paid \$950,000' (Fidgeon, 2000). At the

end of the second week, a story broke that would dominate the news for weeks – the tragic blaze that destroyed the historic Childers (Qld) backpackers’ hostel, taking 15 lives, mostly young people (Giles, 2000; Roberts, 2000).

This case study takes place against a back-drop of the most sophisticated news exchange methods to date between the various arms of the media, and increasing impact of the Internet in disseminating news. Just as radio in the ‘30s, and television from the mid-‘50s, had an impact on newspapers, so would the Internet. It would change the way journalists gathered the news by providing speedy access to ever-increasing amounts of information. It would change the way media organisations disseminated the news and it would change forever the way the public gained access to information in general, and the latest news in particular. This is particularly relevant in the context of this thesis, because the Internet (and in the next case study, social media) provided a changed environment and brought celebrities, including sporting icons, under increased scrutiny. Whereas in the past it was the tabloid media (print and broadcast) that was likely to invade the privacy of celebrities, from the turn of the Century began a game-changing revolution for journalists and celebrities alike on how information made it to the public domain. The issue of the modern media environment, and the impact of the Internet and social media on the mainstream media, is taken up in chapter 11.

This case study also demonstrates how both major newspaper groups in Australia, Murdoch’s News Limited and the Fairfax organisation, had begun sharing by-lined stories between the various newspapers in their group. In earlier eras, each paper would have their specialist writers, and although the same stories would appear in interstate partners through a simple exchange process, it was usually only when overseas travel was involved that by-lined specialist sports stories were shared. In the case of the Warne sex scandal, the

same writers produced virtually identical stories for the papers in their 'stable'. Helen McCabe's coverage of the story from London, for instance, appeared in a total of six separate Murdoch papers (*The (Qld) Sunday Mail, the Courier-Mail, the Daily Telegraph, the Sunday Herald Sun, the Herald Sun* and *The Advertiser*). Other prominent writers on the story in the Murdoch stable, Christine Middap (five separate papers), Greta McMahon (three), Ron Reed (three) and Bruce Wilson (three) also appeared in papers in several states. In the Fairfax papers, specialist writer Martin Blake appeared in both *The Sydney Morning Herald* and *The Age*, while an opinion column by Warne biographer Roland Perry (1999), appeared in both *The Age* (Perry, 2000b) and *The Sydney Morning Herald* (Perry, 2000a), but on successive days.

***Newspaper coverage:***

The coverage of the Warne scandal was far more extensive, more than twice the number of newspaper mentions than in all the previous three case studies put together, and required a different approach to the analysis. Appendix 9:1 at the end of this chapter has a complete list of all the stories, opinion / feature pieces, editorials, pointers and cartoons. Because of the large number of stories written over the fortnight of the 'life' of the Warne phone sex scandal, the extent and scope of the coverage is better illustrated numerically than talking individually about the 120 stories, opinion / feature pieces, editorials and cartoons, as was possible with the relatively small number of stories in the previous three case studies. The additional column in Table 9:1 below marked 'pointers' refers to the number of times there was a reference on either the front page of the paper (10) or the back page (two), nominating where the latest news on the scandal could be found – an indication of the importance the editors placed on the continuing story. Other stories may have dominated the front page, but those wanting to read the latest on the Warne scandal were advised

(usually on page 1) where to look. However, these ‘pointers’ have not been counted as ‘mentions’ for the purposes of this research. In the previous three case studies, with the exception of the cartoon in the Miller case study, all the stories written about Bradman, Miller and Chappell would be classified as news stories. This is the first time the full range of journalistic styles is represented in the coverage.

<b>Paper</b>	<b>Stories</b>	<b>Opinion/ features</b>	<b>Editorials</b>	<b>Pointers</b>	<b>Cartoons</b>
<i>Courier-Mail &amp; Sunday Mail</i>	9	5	1	4	2
<i>SMH &amp; The Sun Herald</i>	12	6	0	0	0
<i>The Daily Telegraph and Sunday Telegraph</i>	12	4	2 + 1 Letters	0	3
<i>The Australian and The Weekend Australian</i>	5	4	2	1	2
<i>The Sunday Age and The Age</i>	7	3	1	3	1
<i>The Sunday Herald Sun and the Herald Sun</i>	20	8	0	2	1
<i>The Advertiser</i>	6	0	1 Letters	2	1
<i>The Canberra Times</i>	3	0	0	0	0
<b>Totals</b>	<b>74</b>	<b>30</b>	<b>6 Letters: 2</b>	<b>12</b>	<b>10</b>

**Table 9:1: Coverage in eight papers by number of stories, opinion articles, editorials, front or back-page pointers and cartoons for period June 11 – 24, 2000.**

Table 9:1 shows that over the 14-day period under investigation a total of 74 news stories were published about the phone sex scandal, an average of more than five per day. For the first time in this research, there appeared a large number of features articles and opinion pieces on the scandal, a total of 30, or an average of more than two each day. Also unlike the previous three case studies, there are also editorials, an average of almost one every second day (six), and two cartoons every three days (10). This approach is understandable because of the nature of the story – a sex scandal involving arguably the best-known cricketer in Australia at the time. While two of the previous three case studies (Miller and Chappell) had sexual overtones, and the other (Bradman) involved a financial scandal, this is the only overt sex scandal in the five case studies. (The final case study involves the break-

up of the engagement of the Australian vice-captain, Michael Clarke, and his fiancée, model Lara Bingle).

The ongoing story was page one news a total of 15 times during the fortnight, with three papers (*The Age*, *The Sydney Morning Herald* and *The Daily Telegraph*) carrying it on their front page on three separate occasions during the period. On various other days, other of the researched papers carried the story on their front page. The biggest coverage came on Saturday, June 17, when the papers covered Warne's 'confession' on *Nine's* 'A Current Affair'. All eight papers carried that story – the only day every paper reviewed carried at least one story – and six of them (75%) carried the news on the front page. Of those six papers (*The Daily Telegraph*, *The Sydney Morning Herald*, *The Age*, the *Herald Sun*, *The Canberra Times* and *The Advertiser*), all but the then-broadsheet *Age* carried their front page story over onto an inside page. Stories in the first few days had talked about the 'obscene' and 'revolting' messages Warne was said to have sent the English nurse (Mann, 2000; McCabe, 2000; S. Quinn, 2000). An English county team-mate suggested that the woman had 'targeted Warne' as a 'sexual target' (McMahon & Middap, 2000). Then came the massive coverage of his appearance on 'A Current Affair' on the Friday night in which he confessed to what he called 'dirty talk', but claimed 'she was talking dirty to me on the phone and I did the same' (Rodda, 2000). He even suggested, 'defiantly' in the eyes of some journalists, that she had started the so-called 'dirty talk' (Derriman, 2000).

Table 9:1 demonstrates that the Melbourne morning tabloid, the *Herald Sun*, showed the most interest in the story, which is understandable given that Warne lives in Melbourne while in Australia, and the paper is tabloid in size and in its approach to news with an emphasis on sports coverage. As mentioned in the Literature Review, the *Herald Sun* carries

a high percentage of sports news (Tiffen, 2010). The *Herald Sun* (and its Sunday counterpart) carried a total of 29 items about the scandal (20 general stories, eight opinion / feature pieces and one cartoon) but not one editorial. The second highest coverage came in the *Herald Sun's* sister tabloid in Sydney, *The Daily Telegraph*, which covered the story 22 times (12 stories, four opinion / feature pieces, two editorials, one set of Letters to the Editor and three cartoons). Next came four broadsheets, *The Sydney Morning Herald* (18 mentions), *The Courier-Mail* (17), *The Australian* (13) and *The Age* (12). The remaining two of the eight papers examined, *The Advertiser* (eight mentions) and *The Canberra Times* (three) showed the least interest in the story. Only *The Advertiser* and *The Daily Telegraph* carried another 'first' for this case study, Letters to the Editor on the scandal. The coverage also sees, for the first time, the introduction of a number of cartoons commenting on the story. The only cartoon encountered in the first three studies appeared in the Miller case study. A total of 10 cartoons about Warne appeared over the fortnight under review; *The Daily Telegraph* publishing three (including one in *The Sunday Telegraph*), *The Courier-Mail* and *The Australian* each two, and one each in *The Age*, *The Herald Sun* and *The Advertiser*. All but two of the cartoons appeared in the first week of the story. By the second week, the stories were far more critical of Warne's actions, predicting possible outcomes for the cricketer, and did not lend themselves to cartoon commentary.

Overall, the approach of the stories, opinion pieces, editorials and cartoons fall into several categories. Initially there was shock at the London tabloid revelations (Sunday). It was the first time there had been detailed revelations of a sexual nature about Warne. This was followed by two days of background stories about his previous 'troubles', how wife Simone was expected to 'stand by her man', and analysis of the possible implications for Warne;

then a relative lull in interest while the media scrambled to be first to get an in-depth explanation from the cricketer. Former Australian captain Mark Taylor called on Warne to ‘come clean’ on Thursday, June 15. The English nurse at the centre of the allegations was quoted on Friday, June 16 as saying she wanted to ‘teach him a lesson’, followed next day by the extensive coverage of the previous night’s appearance on ‘A Current Affair’. In the TV interview, Warne tried to put his spin on the damaging revelations. While he admitted to the ‘dirty talk’ on the phone to the nurse, Warne said it was ‘two-way’. The Sunday papers carried stories about the nurse’s reaction to Warne’s TV appearance, and the cricketer trying to repair his marriage. In the first four days of the second week, newspaper interest was relatively low, as they awaited action from the Australian Cricket Board (ACB), now Cricket Australia (CA). Opinion pieces and feature articles were suggesting that Warne would have difficulty holding on to the vice-captaincy, and by week’s end, as mentioned above, two morning broadsheets – *The Age* ("Editorial: Warne should lose his vice-captaincy," 2000) and *The Courier-Mail* ("Editorial: Cricket bosses must clean up the game," 2000) – had openly called for him to be sacked as vice-captain.

<b>Date:</b>	<b>No of papers covering</b>	<b>Number of stories</b>	<b>Opinions / features</b>	<b>Editorials</b>	<b>Cartoons</b>
<b>Sunday June 11</b> 8 mentions	5	8	0	0	0
<b>June 12</b> 14 mentions	7	12	0	0	2
<b>June 13</b> 18 mentions	7	8	7	1	2
<b>June 14</b> 5 mentions	4	1	3	0	1
<b>June 15</b> 2 mentions	2	1	1	0	0
<b>June 16</b> 9 mentions	5	6	1	1	1
<b>Saturday June 17</b>	8	12	4	1 Letters: 1	2

20 mentions					
<b>June 18</b> 12 mentions	3	7	4	0	1
<b>June 19</b> 7 mentions	3	3	2	1 Letters: 1	0
<b>June 20</b> 3 mentions	1	2	1	0	0
<b>June 21</b> 2 mentions	2	0	1	0	1
<b>June 22</b> 7 mentions	5	7	0	0	0
<b>June 23</b> 10 mentions	7	7	3	0	0
<b>Saturday</b> <b>June 23</b> 5 mentions <b>Total: 122</b> mentions	3	0	3	2	0

**Table 9:2: Coverage by number of papers that covered the story each day, and the number of stories, opinion pieces, editorials and cartoons for period June 11 – 23, 2000.**

Another way of assessing overall newspaper interest in the story is demonstrated in Table 9:2 (above). It shows that of the eight papers surveyed for this case study, an average of more than half (4.3) of the papers covered the story each day of the fortnight-long life of the scandal with an average of more than eight mentions of the scandal appeared across those papers each day. It also shows that initially five Sunday papers covered the first news of the scandal. The following two days all papers under review, except two (*The Canberra Times* on the Monday and *The Advertiser* on the Tuesday), followed the story, with Tuesday signalling the biggest number of opinion pieces about the controversy – seven. Interest waned for two days until the nurse gave her reasons for releasing the story on the Friday, and the biggest day of the scandal, Saturday, June 17, when all eight newspapers covered the story with a total of 12 stories, four opinion pieces, one editorial, coverage in the Letters to the Editor section of one paper and two cartoons. The Sunday papers at the start of the second week carried seven general news stories, four opinion / features and one cartoon.

Interest rose again late in the week when it became apparent to reporters that Warne's tenure as Australian vice-captain was under serious threat, peaking again on the Thursday and Friday (June 22 and 23) when the majority of newspapers carried stories of the latest episode.

<b>Paper</b>	<b>Days covering</b>	<b>Multiple mention days</b>
<i>Courier-Mail &amp; Sunday Mail</i>	9	4
<i>SMH &amp; The Sun Herald</i>	10	5
<i>The Daily Telegraph and Sunday Telegraph</i>	9	6
<i>The Australian and The Weekend Australian</i>	6	4
<i>The Sunday Age and The Age</i>	10	1
<i>The Sunday Herald Sun and the Herald Sun</i>	10	7
<i>The Advertiser</i>	4	1
<i>The Canberra Times</i>	3	0

**Table 9:3: The number of days each paper covered the Warne story, and the number of days of multiple mentions.**

Newspaper interest in the story was at its highest, naturally, for reasons mentioned above, in Warne's home town of Melbourne, as is demonstrated in Table 9:3. *The Sydney Morning Herald* and both Melbourne papers, *The Age* and the *Herald Sun* (and their Sunday equivalents) carried the story on 10 of the 14 days. On seven of those days, the *Herald Sun* carried either more than one news story, or a news story and a feature / opinion piece. *The Sydney Morning Herald*, carried multiple coverage on five days, but *The Age* on only one day. The morning then-broadsheet, *The Courier- Mail* in Brisbane, showed plenty of interest in the story, covering it on nine of the 14 days, with multiple mentions on about half of those occasions. The Sydney tabloid, *The Daily Telegraph* came in equal second with *The Courier- Mail* for the number of days it carried the story, but on more than half of those days it published more than one story. The two papers to show the least interest in the

Warne saga were *The Advertiser* in Adelaide, which covered the story on only four of the 14 days, and the national capital's morning paper, *The Canberra Times*, which carried only three news stories, all in the first week.

***One article analysed:***

With more than 100 items to choose from (74 news stories and 30 feature stories or opinion pieces), the article selected for detailed analysis was an opinion piece that appeared in *The Daily Telegraph* at the beginning of the second week that attempted to present both sides of the story under the headline 'Prosecution or persecution' with two reporters writing separate pieces about the scandal (A. Harvey & Chesterton, 2000). The article takes up three quarters of the tabloid's Opinion page, alongside editorials criticising Sydney's Star Casino's operating regulations ("Editorial: Dangerous gamble out of control," 2000) and praising rugby league great Daryl Halligan ("Unsung hero has his day at last," 2000). The paragraph explaining the opinion pieces sets the tone for the two-way discussion that follows:

Spin bowler Shane Warne last week admitted making 'dirty' calls to a British nurse but said his calls only became a mistake when they became public. ADAM HARVEY says Warne is an arrogant man while RAY CHESTERTON defends him saying he should not be persecuted (2000).

Each of the writers was given a page-length column to state their case. Between the two is a page-length graphic showing a chubby Warne bound to a stake in the process of being burnt alive. The kindling at the base of the stake, which is starting to smoulder, is comprised of cricket stumps.

Harvey leaves his readers in no doubt of his opinion of Australia's star spinner:

Shane Warne is an Australian sporting hero who does not deserve our admiration.

Warne is a tubby, 30-year-old Victorian with a bad hairstyle and a quick temper who

regularly embarrasses himself in public. He's taken money from bookies, sold out to advertisers and yelled at young fans (A. Harvey & Chesterton, 2000).

Harvey later frames Warne as arrogant, 'a man who behaves appallingly', who believes 'it's all right to lie and cheat, as long as you don't get caught' (A. Harvey & Chesterton, 2000).

Much of the article is Harvey's version of the events surrounding the phone sex scandal, including Warne's television admission that 'it was probably the wrong thing to do, but I thought it was a private matter. I suppose it is a mistake. If it had stayed private, then it wasn't a mistake' (cited in A. Harvey & Chesterton, 2000). He ends with another scathing assessment of Warne:

The only lesson learned by Shane Warne is that next time he should try not to get caught (A. Harvey & Chesterton, 2000).

Harvey does not suggest any penalty for what he obviously considers Warne's unacceptable behaviour, he simply frames the spinner as someone who should no longer be admired.

References to Warne being 'tubby with a bad hair style' does nothing to advance his opinions.

Long-time sports writer, Ray Chesterton, who would have reported on Warne's career from its infancy, and covered more sporting controversies than most, framed his response to the Warne allegations in a more conciliatory tone:

As appalled as self-appointed guardians of morals may be by Shane Warne's delicately-poised predicament, it is not even a blip on the Richter scale of lusty sexual behaviour. Many sporting stars embrace casual sex as lustily as Henry VIII gnawing on a chicken leg (A. Harvey & Chesterton, 2000).

He suggests that the public keep the incident in perspective, saying Warne is only guilty of what 'thousands of married man do – or try to do – on nights out with the boys, at

interstate conferences or on sporting tours. He flirted with a female he fancied in the hope of a one-night stand' (A. Harvey & Chesterton, 2000). He added:

Sure it was sleazy and some aspects of the incident opened up sexual avenues we prefer not to explore. And, sure Warne's married. Sure he has kids, and sure, in a perfect world it should not happen. But Warne's morals are between his conscience and his wife. Not us. (A. Harvey & Chesterton, 2000).

Chesterton added that Warne is paid 'an exceptional amount of money' to play cricket, 'not to deputise for the Pope' (A. Harvey & Chesterton, 2000). The article continues in this vein, framing Warne's behaviour as nothing out of the ordinary, and none of the public's business, in much the same way Carlton AFL footballer Chris Judd rejected his status as a role model (P. Smith, 2005). Chesterton suggested it was their popularity that leads to the downfall of sportsmen like Warne:

A combination of their own sense of self-importance and having lackeys to grant their every wish, creates a dangerous environment of self-indulgence for elite sportsmen (A. Harvey & Chesterton, 2000).

Being constantly feted 'in such an artificial atmosphere can cause sporting champions to think women are part of the agreement as well' (A. Harvey & Chesterton, 2000). Chesterton recounted the story of another spinner, the Englishman Phil Tufnell, early in his career when he was being wined and dined and a young woman walked up and said: 'Do you mind if I join you?'

'It was like Billy Bunter being in charge of the chocolate factory' (cited in A. Harvey & Chesterton, 2000).

While Chesterton was defending Warne and attempting to excuse his behaviour as being nothing out-of-the-ordinary for a sporting hero, and suggesting that women might even be

to blame sometimes, his choice of words and examples did little to justify Warne's behaviour.

***Chadwick and the Code of Ethics:***

This case study occurred in a period in which privacy was coming under continuing review. As mentioned briefly earlier, Chadwick, initially with Mullaly (1997) and later by himself (2003, 2004, 2005), was developing his theory of the Taxonomy of Fame. While acknowledging in that original discussion that breaches of privacy can be justified 'where a superior public interest is served by the disclosure' (Chadwick & Mullaly, 1997, p. 1) two sentences later, they add:

A matter of public interest is not the same as something that is interesting to the public (Chadwick & Mullaly, 1997, p. 2).

After the death of Princess Diana in 1997, the UK Press Complaints Commission launched a review into that industry's Code of Practice. Later that year, the Commission Chairman, Lord Wakeham ("Press Complaints Commission," 1997 cited in Chadwick & Mullaly, 1997, p 4) suggested changes in two areas relevant to this discussion. The Code should be changed to 'provide guidance as to what areas constitute private life, for example, a person's health, his or her home life and family relationships and personal correspondence' ("Press Complaints Commission," 1997 cited in Chadwick & Mullaly, 1997, p 4). He also suggested there were 'different degrees of public interest justification for different types of intrusion' and the Commission should try to quantify them ("Press Complaints Commission," 1997 cited in Chadwick & Mullaly, 1997, pp 4 - 5). Chadwick and Mullaly articulated for the first time their contention that media and privacy arose in the context of fame, that media coverage made a person famous and that '(p)rivacy is exchanged for fame, or lost because of it' (1997, p. 5). It was against this background that they proposed their Taxonomy of

fame – the five categories of fame, by election or achievement, Royal fame, by chance, by association, and of importance in the context of this thesis, by achievement (Chadwick & Mullaly, 1997, pp. 5 - 6). At the time of the Warne phone sex scandal, the concept of the Taxonomy of Fame was relatively new. So was the latest iteration of the MEAA (AJA branch) Code of Ethics. The journalists' union had initiated a review of the 1984 version of the code in 1993, and reported four years later (Report of the Ethics Review Committee, 1997), recommending a 20-point code, eventually approving the current 12-point code two years later ("MEAA Code of Ethics," 1999). Of particular relevance to this discussion was clause 13 of the 1997 revision which stated:

Accept the right to privacy of every person. Public figures' privacy may be reduced by their public role. Relatives and friends of those in the public eye retain their own right to privacy (Report of the Ethics Review Committee, 1997, p. 15).

The report of the review committee (Report of the Ethics Review Committee, 1997) stated:

For celebrities, the loss of some privacy is the price of obtaining the benefits of celebrity through exposure willingly sought (Report of the Ethics Review Committee, 1997, p. 47).

It cited as examples of justified invasions of privacy, revealing a politician's or a rock star's financial affairs, or to publish about a woman who leads a public crusade against abortion that her medical records show she has had pregnancies terminated (Report of the Ethics Review Committee, 1997, p. 47). At the time of the Warne case study, the MEAA had just introduced the latest version of their Code of Ethics, which, after two more years of discussion and debate, had been reduced from 20 to 12 clauses ("MEAA Code of Ethics," 1999). Initially, as shown above, Clause 13 was broader in its approach to privacy.

The new clause 11 reduced privacy to:

Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude ("MEAA Code of Ethics," 1999).

While it mentions the words 'private grief', the clause is clearly directed at people who may be suddenly thrust into the media spotlight because of a personal tragedy. The second part of the clause refers to the right to refuse to undertake a 'death knock', the journalistic practice of knocking on the door of a person (like someone suffering a personal loss) and asking for an interview. There is no reference to accepting 'the right of privacy of every person' articulated in the original version of the clause.

***Summary:***

This case study highlights a significant shift in the media's approach to the coverage of celebrities. In the previous three case studies, there were a relatively small number of 'straight news' or feature stories and that enabled a closer examination of individual versions of the incident, but in the Warne case study the breadth and depth of the coverage required a different approach. This case study is also significant in the range of coverage. Over the fortnight-long 'life' of the Warne phone sex scandal, stories were published every day – a total of 104 (74 news stories and 30 feature / opinion pieces) – along with six editorials, two series of Letters to the Editor and 10 cartoons. Putting aside other considerations, like the prevailing news agenda at the time, and considering the number of stories (both news and feature / commentary) alone, more than 12 times as many stories were published about the Warne scandal than were published about the incident involving Don Bradman, and about six times as many stories as were published about the other two incidents – which both, like Warne, had sexual connotations – involving Miller and Chappell. It clearly demonstrated the increasing interest in the more salacious aspects of celebrity coverage.

***Postscript:***

When Prime Minister Tony Abbott announced he had re-introduced knights and dames into the Australian honours list in late March, 2014, to recognise the service of outgoing Governor-General, Quentin Bryce and her successor, former Army General Peter Cosgrove, he also said 'I don't think we're going to see Sir Shane any time soon' ("No knighthood for Warne, says Abbott," 2014).

### Appendix 9:1: Shane Warne newspaper references, June 11 – 24, 2000

Date	Paper	Pointer	Stories	Cartoon
<b>Sunday June 11</b>	Sunday Age		Warne in sex sleaze allegations (P 1 & 2) (Simon Mann) 16 paragraphs.	
“	The (Qld) Sunday Mail	P1 Across Bottom	Warne in phone call storm: Cricket star denies woman’s claims (P5) (Helen McCabe) 21 pars.	
“	The Sun Herald		Warne phone sex scandal: He pursued me, woman claims (P1 & 6) (Sue Quinn) 36 pars Wife ‘will stand beside Shane’ ‘They are the most perfect couple’ (P6 & 7) (Danny Weidler) 29 pars. The transcripts (P6) 5 pars. Warne’s life on and of the cricket field (P 7) 6 pars. The Human Headline (P7) 6 pars.	
“	Sunday Herald Sun		Warne denies phone claims (P2) (Helen McCabe) 28 pars.	
<b>Monday June 12</b>	The Australian		‘Obscene’ calls could run Warne out (P1 & 4) (Jamie Walker & Rupert Guinness) 19 pars There’s a flip side, says straight-batted leggie (P4) (Jamie Walker) 18 pars Harassed by a dubious past (P 4) 6 pars.	P4: Does Joe the cameraman have a mobile?
“	The Advertiser	P1 Top left	Warne takes guard over sex calls row (P5) (Christine Middap & Greta McMahon) 11 pars	P 16 Maiden?
“	The Age	P1 Third ‘inside’ story	ACB won’t act on Warne for now (P14) (Mark Ray) 10pars	
	The Courier -Mail	P1 Please explain	Warne faces up to board boss on phone-sex claim (P3) (Michael Horan, Christine Middap & Greta McMahon) 25 pars	
“	The Sydney Morning Herald		Warne silent as ACB refuses to get involved in harassment allegations (P24) (Mark Ray) 13 pars. End of the line for Blond bombshell (P33) Stay in Touch column. 2 pars, plus 10 lines of lyrics of song: ‘Hanging on the telephone’	
“	The Daily Telegraph		Please explain Shane: Cricket boss questions Warne over call claims (P1 & 4) (Michael Horan & Christine Middap) 22 pars.	
“	Herald Sun		Captain dream dented (P3) (Christine Middap & Greta McMahon) 23 pars Loyal wife goes into hiding (P 3) 4 pars. Nurse tells of ‘pervy’ Warne (P3) 9 pars Vote-line: Should Shane Warne ever captain Australia? (P17)	

Date	Paper	Pointer	Stories	Cartoon
<b>Tuesday June 13 2000</b>	The Courier -Mail	P1 Top left	Woman targeted Warne, claims English team-mate (P2) (Greta McMahon & Christine Middap) 18 pars. Opinion: Off-field play part of the game (P2) (Ron Reed & Bruce Wilson) 10 pars Opinion: Bold delivery (P 13) (Martin Thomas) 31 pars. Opinion: Sultan of Spin no Einstein but he still delivers (P 35) (Mike Colman) 29 pars.	Opinion (P 14): ACB: The good news is Shane Warne has explained himself to the Board ... the bad news is etc.
“	The Age		No board action on Warne (P3) 5 pars.	
“	The Australian	P1 Top centre	ACB holds back on Warne case (P 7) 7 pars. Editorial: Board fails test of its responsibility (P 14) 4 pars (21 sentences). Opinion: Another Warnie system failure (P 14) (John Harms) 11 (long) pars.	Opinion (P 14): Devil: Hansie’s got his mobile turned off. What’s Shane’s number?
“	The Sydney Morning Herald		ACB confirms Shane won’t be warned, unless more serious evidence comes to light (P28) (Mark Ray) 9 pars. Opinion: Warne is kissing top job goodbye (P26) (Peter Fitzsimons) 19 pars.	
“	The Daily Telegraph		Warne may have been a target (P5) 5 pars. Opinion: Keeping score from dressing room to bedroom (P 22) (Ron Reed & Bruce Wilson) 16 pars.	
“	Herald Sun		Warne may be victim (P11) (Greta McMahon & Christine Middap) 13 pars. Opinion: Bowling the odd maiden (P19) (Ron Reed & Bruce Wilson) 26 pars. Vote-line: Should Shane Warne ever captain Australia? Yes 11.4%; No 88.6% (P17).	
“	The Canberra Times		ACB keeps Warne sex scandal private (P 22) 10 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Wednes. June 14</b>	Herald Sun		Opinion: Just whose life is it? (P19) (Matthew Pinkney) 28 pars.	
“	The Daily Telegraph		Opinion: Yet another wrong ‘un (P 81) (Mike Gibson) 42 pars.	Opinion (P 25): 0055 SHANE: Call me
“	The Canberra Times		Board to get Warne viewpoint (P 28) 8 pars.	
“	The Age	Top left P1	Opinion: The boy in the bubble (P17) (Roland Perry) 12 long pars. Note unflattering graphic.	

Date	Paper	Pointer	Stories	Cartoon
<b>Thursday June 15</b>	The Daily Telegraph		Clear the air Shane: Taylor calls on Warne to answer phone claims (P 1 & 4) (Stephen Birch). 14 pars.	
“	The Sydney Morning Herald		Opinion: The bowler in the publicity bubble (P 17) (Roland Perry) 12 long pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Friday June 16</b>	The Age		Warne woman sorry for wife (P 2) (Andrew Heasley) 9 pars	P14 Leunig on benefits of phone sex.
“	The Courier-Mail		Warne accuser wanted ‘to teach him a lesson’ (P 7) (Christine Middap) 20 pars Cricketer urged to speak up (P 7) 5 pars.	
“	The Daily Telegraph		Warne accuser wants to ‘teach him a lesson’ (P 9) (Christine Middap & Naomi Toy) 18 pars. Editorial: Obligation comes with the glory (P 24) 12 pars.	
“	Herald Sun		Nurse says Warne deserved ‘lesson’ (P 9) (Christine Middap) 33 pars. Opinion: Women who play in the fast lane can’t have it both ways (P 20) (Jill Singer) 24 pars.	
“	The Australian		Accuser’s Warne-ing (P 6) (Monica Videneiks & Peter Krupka) 10 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Saturday June 17</b>	The Daily Telegraph		Warne’s confession: ‘She was talking dirty to me on the phone and I did the same’ (P 1& 6) (Rachel Rodda) 28 pars. Warne on the rack: Body language gives cricket star away (P 6) (Tim Hiferty) 17 pars. Poll: Have your say (P 6). Editorial: Pitiful display of spin doctoring (P 20) 6 pars.	P 34: Nurse – Show us what ya got. I’ve eaten too many baked beans!
“	The Sydney Morning Herald		She started the dirty talk, says defiant Warne (P1 & 7) (Philip Derriman) 15 pars.	
“	The Weekend Australian		Warne admits to ‘dirty talk’ calls (P 3) (Monica Videneiks) 13 pars. Opinion: Naïve and stupid part two (P 27) (Chip Le Grand) 25 pars	
“	The Age		Warne confesses to ‘dirty talk’ on phone (P 1) (Martin Blake) 11 pars.	
“	Herald Sun		Warne: She led me on (P1 & 4) (Nick Papps) 38 pars.	P 29: Shane Warne’s English

			Spinner's spiel revealed (P 4) 12 pars. Opinion: Shane's bowled a few wides (P 4) (Nick Papps) 10 pars. Opinion: Is it stumps for cricket? (P 27) (Ron Reed) Includes Cronje. 29 pars.	nanny: The Australian Cricket Board has hired me ...etc.
"	The Canberra Times		Warne admits making 'dirty' phone call to British nurse (P 1 & 11) 29 pars.	
"	The Advertiser		Shane Warne's reverse charge: Cricket icon says lewd call was two-way (P 1 & 8) (Bronwyn Hurrell) 30 pars. Champ or chump: Incidents mar spin bowler's career (P 8) (Helen McCabe) 14 pars. What Warne said to Donna Smith (P 8) 5 edited transcript pars. Letter: Public supports liars and cheats of sport (P 20) (Roy Davis) 9 pars.	
"	The Courier-Mail	Top centre P 1	Opinion: You spin some you lose some (P 29) (Hedley Thomas) 50 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Sunday June 18</b>	The Sun Herald		Shane's words to Simone (P 1) Full story: page 3. 8 pars. Five words Shane hopes will save his marriage (P 3) (Danny Weidler) 17 pars. 'So big-headed' (P 3) 6 pars. Opinion: Simone Warne's humiliation (P 81) (Christine Hogan) 36 pars Opinion: Expert advice to Shane (P81) (Anne Hollands – CEO Relationships Aust.) 5 pars.	
	The Sunday Telegraph		Nurse denies sex talk to Warne (P 3) 10 pars Putting a spin on the night a woman asked Shane Warne to sign her back (P 110) (Phillip Koch) 25 pars.	P 106: A bloke that's after a nurse
	Sunday Herald Sun		Dirty pool, says nurse (P 2) (Christine Middap) 9 pars. Opinion: Skipper Shane off the dial (Sport p 6) (Rob Nicholson) 15 pars. Opinion: The mobile curse (P 32) (Glenn McFarlane & Damien Barrett) 18 pars (includes Warne).	

Date	Paper	Pointer	Stories	Cartoon
<b>Monday June 19</b>	The Daily Telegraph		Dirty talk may cost Warne the vice-captaincy (P 4) (Helen McCabe) 17 pars. Opinion: Prosecution or persecution (P 22) (Adam Harvey – prosecution) 17 pars. (Ray	

			Chesterton – defence) 16 shorter pars. Warne burning at stake graphic Letters (P 24) Warne shows no respect (5 letters). Leave the man alone (3 letters).	
	The Australian		Editorial: ACB reacts to scandal with silence (P 12) 4 long pars. Opinion: No prizes for moral bankrupt: When it comes to women Shane Warne has just stepped out of a cave (P 12) (Susan Mitchell) 16 pars.	
	Herald Sun		Wife stands by Warne (P 7) 11 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Tuesday June 20</b>	Herald Sun		Warne career doubts (P 2) (Jeremy Kelly) 6 pars. Phone sex call is close (P 6) (Inga Gilchrist) 17 pars and 10 <i>vox-pops</i> with photos. Opinion: Celebrity shame game (P 19) (Greta McMahon) 28 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Wednes June 21</b>	The Age		Opinion: HG: If the mud sticks, wear it (P 12) (Michael Shmith & Emma Quayle) 10 pars. Includes Warne (and others)	
	The Courier -Mail			P 16: If phone companies were more honest ... Warne: my mobile made me do it!

Date	Paper	Pointer	Stories	Cartoon
<b>Thursday June 22</b>	The Sydney Morning Herald		Warne loses his grip on leadership (P 44) (Martin Blake) 14 pars.	
	The Age		Warne set to lose vice-captaincy (P 1) (Martin Blake) 15 pars.	
	Herald Sun	P112: Later edition	Warne told his job on the line (P 112 & 109 early edition) (Helen McCabe) 18 pars. Speed's Shane warning (P 110) (Helen McCabe) 18 pars.	
	The Advertiser	P 1: Warne warned	Warne to miss fine (P 104) 4 pars	
	The Courier -Mail		Warne's future in the balance (P 44) (Helen McCabe) 15 pars. Later Edition: Warne's job on the line (P 44 & 43) (Helen McCabe) 18 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Friday June 23</b>	The Age	Back page	Appoint a leader, not just a diplomat (Sport 5) (Martin Blake) 13 pars	
	Herald Sun	Back page	Board set to chop Warne (P 126) (Robert Craddock) 20 pars. Warne job on the line (P 126 later edition) (Robert Craddock) 18 pars	
	The Courier -Mail		Bad boy Warne faces axe (P 1) 6 pars (full report P 50). Warne faces struggle to stay deputy (P 50) (Robert Craddock) 15 pars.	
	The Australian		Opinion: A sporting quiz to test our ethics levels (P 20) (Patrick Smith) 27 pars. 21 questions, two about Warne.	
	The Advertiser		Warne 'faces sack' (P78) (Robert Craddock) 15 pars.	
	The Sydney Morning Herald		Opinion: Who succeeds Shane? (P38) (Philip Derriman) 19 pars on his likely replacement.	
	The Daily Telegraph		Egar says Warne to lose vice-captaincy P142 (Robert Craddock) 18 pars Opinion: Shane's final no-ball (P142) 13 pars	

Date	Paper	Pointer	Stories	Cartoon
<b>Saturday June 24</b>	The Age		Opinion: Modern sport: a soap opera in search of a plot (P 9) (Hugh Mackay) 11 long pars. Editorial: Warne should lose his vice-captaincy (P 8) 4 long pars.	
	The Courier -Mail		Opinion: Bad light threatens play (P 33) (Philip Derriman) 49 pars. Includes reference to Warne. Editorial: Cricket bosses must clean up the game (P 26) 4 very long pars.	
	The Sydney Morning Herald		Opinion: Stop cutting down Warney (P 28) (Mike Carlton) 7 (long) pars.	

## Chapter 10

### Case study 5: Michael Clarke

#### ***Introduction:***

The last of the five case studies concerns the reporting of an incident in the private life of the current (as of mid-2014) captain of the Australian cricket team, Michael Clarke. It will follow the previous format of introducing the cricketer, examining the public attitude to privacy at the time and detail the incident being examined. Also included will be consideration of the media agenda of the time, analysis of the media coverage of the incident, examination of one article in particular, and discussion of the media's attitude to privacy at the time and issues raised by the coverage.

#### ***The cricketer: Michael Clarke:***

He's Warne without the excess. He's the Test captain Warne never got to be.

Clarke is Warne with a clean skin. He's Warne with board approval (Swanton, 2011, p. 591).

Captaining the national cricket side is seen as the pinnacle of sport in Australia. Some jokingly suggest it is the most important job in the country. One Sunday paper on the eve of Clarke's first appearance as Test captain in early 2011 carried a front-page photo of a laughing Clarke and then Prime Minister Julia Gillard above what many sports fans would have thought was an appropriate heading ("One of these people has the toughest job in Australia, the other is the Prime Minister," 2011). The photo was taken as Clarke was about to make his debut as the national captain against England, with The Ashes series already lost, skipper Ricky Ponting injured, and most of his team-mates struggling to find form. Clarke, nicknamed 'Pup', was the first of a new generation of Australian cricketers.

Respected cricket writer Robert Craddock commented late in 2010 that Australian cricket had moved into dangerous territory by appointing a Test captain who was 'unloved around the nation' (2010a). Craddock said that although Clarke was raised in working-class Liverpool in Sydney's west, he was also 'part yuppie, with flash cars, trendy mates, tattoos, hot girlfriend and friendships with Shane Warne and Brian Lara' (Craddock, 2010a). One of the country's leading tabloids, *Sydney's Daily Telegraph*, ran a poll among its readers in the final days of 2010 and labelled him 'the most unpopular Test captain in recent memory' with only 15% of those who took part in the poll wanting him in the top job (Webster, 2010). An opposition *Fairfax* poll a few weeks into the new year showed only eight per cent of respondents were in favour of Clarke getting the captaincy (Pandaram, 2011). Another sports journalist, in a story when he became Test captain (replacing the injured Ricky Ponting temporarily), used the heading 'The great divider' and the sub-heading: 'No cricketer polarises opinion like Australia's 43<sup>rd</sup> Test captain' (Pandaram, 2011). Pandaram added:

If there is one thing that can be said about Australia's new Test captain, it is that no one word aptly describes the animosity and praise simultaneously bestowed on him (2011).

Commentators and journalists alike tried to explain the apparent public animosity towards Clarke. La Trobe University journalism lecturer, Matt Smith, felt it was because he displayed the traits of a young sportsman:

He poses in his underwear, dates supermodels, knows his way around Twitter and is covered in tattoos. Love it or hate it, these are common themes today for those who tread a fine line between celebrity and sportsman (M. Smith, 2011).

Clarke is not alone in this profile—former British soccer star David Beckham, for instance, has done underwear advertisements for Armani and is also ‘covered in tattoos’.

Also previewing his first appearance as Test captain, *The Sydney Morning Herald* writer and *ABC* commentator, the late Peter Roebuck (2010b), said Clarke in recent times had felt that ‘the world that loved him had turned its back on him, and for no obvious reason’.

After all, he scored a stack of runs, won Tests, turned down tempting IPL contracts and dared to break the rules of the boys’ club and call Andrew Symonds to account. It is a fair record. Of course, he has not helped himself, has been indiscreet, has sought the spotlight, appeared on the front pages of gossip magazines and in saucy adverts, then grizzled about intrusion and criticism (Roebuck, 2010b).

[As acting-captain, Michael Clarke was the head of the leadership group that sent Andrew Symonds home from Darwin in August, 2008, for a ‘disciplinary lapse’ after he missed a team meeting on the upcoming one-day series against Bangladesh to go fishing].

Sports writer with *The Courier-Mail*, Mike Colman, used his weekly column in the sister publication, *The Sunday Mail*, to ask:

What is it about Michael Clarke that upsets people so? Apart from the tattoos, fast cars and beautiful girlfriends (Colman, 2011).

The column was headlined sympathetically: ‘You wouldn’t treat a dog like poor Pup’ (Colman, 2011)

About two months later, another sports writer in the same paper lamented:

I really want to like Michael Clarke. There’s something about disliking the national cricket captain that is frankly un-Australian. But no matter how I try, I can’t quite get there (deKroo, 2011).

The day before – demonstrating how diverse opinions were – former *Sydney Morning Herald* cricket writer Richard Hinds had supported the national captain under the headline: ‘Whether Pup or Top Dog, Clarke’s hard to hate’ (Hinds, 2011). Clarke had acknowledged he had an image problem early in 2010 in a two-page Q and A feature (Badel, 2010a) that was previewed over nearly half the front page of a Sydney Sunday tabloid (“Don’t Judge me ... for loving Lara, hating beer and not driving a ute,” 2010). After Ricky Ponting officially stood down as captain in March 2011 and Clarke was confirmed in the top job, he again addressed the issue (“I’ll earn your respect,” 2011):

I don’t believe I can get the whole of the country to like me. But hopefully I can earn the respect of the doubters by playing cricket the right way (cited in Leys, 2011).

A few weeks earlier, during a one-day series against England, Clarke had been booed onto the Brisbane cricket ground by sections of the crowd (Lalor, 2011a). Later that week everything changed for the better:

Michael Clarke went from villain to hero in the space of three days by guiding Australia to its most spectacular one-day victory of all time in Sydney last night (Conn, 2011b).

The Australian captain was cheered when his side passed England’s highest one-day score in Australia of 6/333, a new record for a successful Australian run chase (Conn, 2011b). Clarke is a middle-order, right hand batsman, who sometimes bowls slow left-arm orthodox spin. He appeared on the international cricket scene in spectacular fashion. He scored a century on his Test debut in India in late 2004 (“Scorecard: India v Australia,” 2004), and scored another century in his Test debut on home soil against New Zealand later that year (“Statistics / Statsguru / MJ Clarke / Test matches,” 2011). At the end of Australia’s two-one Test series win over the top-ranked South Africans in February / March 2014, Clarke’s

statistics were impressive. By then he had played 105 Tests for Australia, scored 8240 runs at an average of 51.50, including 27 centuries ("Michael Clarke," n.d.). His highest score was 329 not out (five runs short of the benchmark highest score of Don Bradman). In those 105 matches he had bowled in only 63 innings and taken 31 wickets at an average of 37.16. His best bowling was 6/9 also in his debut series against India in 2004 ("Michael Clarke," n.d.).

***The incident:***

This final case study centres on the newspaper coverage of a major incident in the private life of the man who was, at the time, Australian cricket's 'captain-in-waiting'. It was the break-up of his engagement to model Lara Bingle in March, 2010. Media coverage ran for 13 days from Tuesday, March 9, to the following Sunday week, March 21. It demonstrated the escalation of the media's intrusion into the private lives of sporting icons over the previous decade in particular. As will be seen in detail later, while only a handful of stories were written about the subjects of the first three case studies – Bradman, Miller and Greg Chappell – and a sizable number about Shane Warne in 2000, the numbers for the 13 days of the life of the Clarke – Bingle break-up story were more than double that of the Warne phone-sex scandal coverage. As shown by the tables in the Appendix to this chapter, a total of 129 news stories were written about various aspects of the break-up, and 74 features / opinion pieces, a total of 203 separate stories. That is nearly double the Warne coverage (104 stories) over a similar period. Media interest in Clarke's private life had always been high as he rose through the ranks of Australian cricket, and especially once he became vice-captain and engaged to the bikini model Bingle, but it accelerated on Tuesday, March 9, 2010, when he surprisingly returned to Australia from the New Zealand tour – referred to in various newspaper accounts as a 'dash home' (2010c), 'Shock as Clarke races home' (Swanton, 2010c) and 'Pup quits tour' (Buckle, 2010). The issue of the couple's relationship

had come under scrutiny after a topless photo of Bingle, apparently taken during her brief relationship with AFL player Brendan Fevola, appeared in the weekly gossip magazine, *Woman's Day*. To this point, the model was probably best known for the Australian Tourism television advertisement aimed at attracting overseas visitors which featured her emerging from the ocean and asking: 'Where the bloody hell are you?' When the glamorous young couple became engaged, the media decided that at last they had a sporting 'Royal couple', like England's 'Posh and Becks' [David Beckham and wife Victoria, formerly 'Posh Spice' from the pop group, the Spice Girls] (Sharp, 2010). Bingle announced she would sue Fevola over the photo, and *Woman's Day* reportedly offered \$200,000 to hear her side of the story (Sharp, 2010). She later announced that her fee for the story would be donated to charity, and her manager at the time, Max Markson, said the figure widely quoted was 'false' ("Lara to donate money to charity," 2010). While Clarke and Bingle had led a very public life since they first started dating, one commentator noted when the nude photo was published:

None of this detracts from the gross invasion of privacy Bingle has been forced to endure (Le Marquand, 2010).

The nude photo scandal followed what the tabloids reported as a 'meltdown' by Bingle at the Sydney Cricket Ground the previous month ("Lara Bingle loses her cool at the cricket," 2010).

***Attitude to privacy at the time:***

In the two years prior to this case study, both the Australian Law Reform Commission (*For Your Information: Australian Privacy Law and Practice*, 2008) and the New South Wales Law Reform Commission (*Invasion of Privacy*, 2009) issued reports calling for remedies in law for serious invasions of privacy, as did the Victorian Law Reform Commission in the same year

as the case study ("Surveillance in Public Places," 2010), but to date no legislative action has been taken. As has been noted earlier, there were federal government moves for a tort for Serious Invasions of Privacy in the wake of the *News of the World Scandal*. At the time the Labor Government introduced proposed changes to media laws into the federal parliament in March 2013, it announced that consideration of a privacy tort would be referred back to the Law Reform Commission for further consideration, with a report due in mid-2014 (Dreyfus, 2013). The proposed changes to Australia's media laws failed to pass the hung Parliament. In the United Kingdom, according to Sydney Law School's Dr David Roth, it has been sporting personalities that have been the real drivers in the development of privacy protection (Rolph, 2010). Legal commentator Carl Gardner said when the media criticised super injunctions as inhibiting freedom of speech in the U.K., they were not talking about major stories about politics, corruption or public money:

On the contrary, they more often involve celebrity, sport and sex. But what's the public interest in exposing the sex life of a golfer, footballer or motor-sport administrator any more than yours and mine? None is the answer: the interest is overwhelmingly commercial (Gardner, 2010).

The journalists' Code of Ethics at the time of the Clarke – Bingle break-up was the third and current version ("MEAA Code of Ethics," 1999), which was introduced a few months before the Warne scandal. As mentioned before, it contains only one standard (Clause 11) pertaining to privacy:

Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude ("MEAA Code of Ethics," 1999).

As stated in the Warne case study, this clause has more to do with respecting the privacy of those involved in tragic events than it does in avoiding invading the privacy of celebrities.

The Code also contains a 'get out' in the 'Guidance Clause' at the end which states that: 'Only substantial advancement of the public interest ... allows any standard to be overridden' ("MEAA Code of Ethics," 1999). This could be used as justification for the invasion of a celebrity's privacy.

Federal privacy legislation in the form of the *Privacy (Private Sector) Amendment Act* came into effect in late 2001, but it exempts media organisations 'when the organisation is publicly committed to observing a set of privacy standards' ("Privacy Standards," 2009). The Australian Press Council developed such a set of standards with the underlying principle stating:

News and comment should be presented honestly and fairly, and with respect for the privacy and sensibilities of individuals. However, the right to privacy is not to be interpreted as preventing publication of matters of public record or obvious or significant public interest. Rumour and unconfirmed reports should be identified as such ("Australian Press Council: Statement of Principles," 2009).

The interpretation of 'obvious or significant public interest' by some tabloid media in the Clarke – Bingle case appeared to mean what the newspapers thought the public was interested in, rather than what was 'in the public interest'. The Press Council's privacy standards state that 'journalists should seek personal information only in the public interest' ("Australian Press Council: Privacy Standards," n.d.), but adds by way of clarification:

In doing so, journalists should not unduly intrude on the privacy of individuals and should show respect for the dignity and sensitivity of people encountered in the course of gathering news ("Australian Press Council: Privacy Standards," n.d.).

But another clause justifies intrusion for public figures in certain cases:

Public figures necessarily sacrifice their right to privacy, where public scrutiny is in the public interest. However, public figures do not forfeit their right to privacy altogether. Intrusion into their right to privacy must be related to their public duties or activities ("Australian Press Council: Privacy Standards," n.d.)

***Background of the era in the media:***

The time period covered in this case study is the 13 days from when newspapers first reported that Clarke was 'dashing home' (Craddock, 2010c) to the following Sunday week after Clarke had re-joined the national cricket team in New Zealand and scored a century in his re-appearance on the pitch (Badel, 2010b).

Unlike the Miller and Warne case studies, no other sports stories were having a major impact on the news agenda at the time. Although it was not a summer Olympics year, Australians had just had their most successful winter games to date in Vancouver, Canada ("Vancouver 2010," 2010). The Games ended about a week before, with Australia winning two gold medals and one silver to finish in overall 13<sup>th</sup> position ("Vancouver 2010," 2010). No other general news story dominated the media during the period. The mainstream news agenda, excluding the Clarke – Bingle celebrity break-up, was filled with what would be classified as 'normal media fare'. On the day the story broke, then federal Opposition leader Tony Abbott was under fire over his paid parental leave proposal (Schneiders & Grattan, 2010) and the director of the Iraq war film, *The Hurt Locker*, Kathryn Bigelow, became the first woman to win the Academy Award as a film's producer (K. Quinn, 2010). Among the other stories to make the news over those 13 days were the official visit of the President of Indonesia, Susilo Bambang Yudhoyono (Coorey & McDonald, 2010); a 'good news' human interest story on the 'miracle' birth of Mr Shuffles, the baby elephant at Taronga Zoo after it had been widely reported that he had died prior to birth (Holland,

2010); a breakthrough was announced in the investigation into the murder of the Lin family in Sydney (Bashan, 2010); five Australian soldiers were ambushed in Afghanistan (McPhedran, 2010) and a teenage surf life-saving champion died in huge surf during the national titles on the Gold Coast ("Dead star's surf fears," 2010).

A much more serious celebrity scandal was to emerge within days of the end of the Clarke – Bingle saga. Robert Hughes, who played the father in the *Seven Network* TV series 'Hey Dad!' in the late '80s and early '90s, was accused of sexual abuse by his youngest daughter in the series, actress Sarah Monahan (Bevin, 2010). His trial was held as this thesis was being completed. He was found guilty of multiple child sex charges and sentenced to at least six years' jail (Biddy, 2014)

Clarke's case study took place against a background of sophisticated news exchanges, the increasing influence of the Internet in news gathering and dissemination, and the rise and rise of social networking sites like Facebook and Twitter. Facebook began in 2003 ("Facebook's complicated ownership history explained," 2011) and Twitter in 2006 (Arthur, 2011). Both Clarke and Warne are frequent users of Twitter. Aside from the print media, the only other mass media news source available during the entire 65-year period covered by the research was radio. In all but the Bradman and Miller case studies, news consumers had television as an alternative source of the latest news and in the Warne case, the addition of the Internet. The combination of the Internet and social networking sites has meant that the public now had more alternatives to the newspapers and broadcast news outlets for their daily supply of information. The print coverage of the Clarke – Bingle incident demonstrates how newspapers have reacted to the new media environment of the 21<sup>st</sup> Century by publishing more feature stories, opinion pieces and background stories as well as news stories.

This case study also continued the trend, identified in the previous study of Warne of the work of staff writers being shared by different members of the *Fairfax* and *News Corporation* newspaper stables. Two Murdoch reporters, Andrew Webster and Peter Badel, appeared in five papers in four states, and another, Annette Sharp, appeared in four *News Corp* papers in as many states. *Fairfax's* Will Swanton appeared in both capital city then-broadsheets (*The Sydney Morning Herald* and *The Age*) and the morning paper in the ACT, *The Canberra Times*, both the weekday and Sunday versions. Five other *Murdoch* reporters, Greg Buckle, Christian Nicolussi, Janet Fife-Yoemans, Clementine Cuneo and Chelsea White appeared in three different papers. Whereas in the Warne case study coverage was mostly versions of the same story in different papers, usually on the same day, this was not always the case in the Clarke coverage.. Often the reporters appeared in different papers on different days with different news stories, features or commentary pieces.

***Newspaper coverage:***

As in the Warne case, eight newspapers were researched – the *Herald Sun*, *The Age*, *The Daily Telegraph*, *The Sydney Morning Herald*, *The Australian*, *The Canberra Times*, *The Courier-Mail*, *The Advertiser* and their weekend counterparts. By the turn of the Century seven of the newspapers researched for the first three case studies had either ceased publication or been combined with others. They were *The Argus*, *The Sun News Pictorial*, *The Herald* (all Melbourne papers), *The News* (Adelaide), and *The Daily Mirror*, *The Sun* and the original *Daily Telegraph* (all Sydney).

<b>Paper</b>	<b>Stories</b>	<b>Opinion/ features</b>	<b>Editorials</b>	<b>Pointers</b>	<b>Cartoons</b>
<i>Courier-Mail &amp; Sunday Mail</i>	16	12	1 Voxpops	2	2
<i>SMH &amp; The Sun Herald</i>	22	14	1 Letters	3	2
<i>The Daily Telegraph and Sunday Telegraph</i>	25	14	2 & 1 Poll & 1 Letters	4	3

<i>The Australian and The Weekend Australian</i>	13	5	0	1	0
<i>The Sunday Age and The Age</i>	11	11	0	1	1
<i>The Sunday Herald Sun and the Herald Sun</i>	26	12	4 Letters & 1 Poll	6	6
<i>The Advertiser</i>	13	6	1 & 1 Letters	0	0
<i>The Canberra Times</i>	3	0	0	0	0
<b>Totals:</b>	<b>129</b>	<b>74</b>	<b>3</b>	<b>17</b>	<b>14</b>
<b>230 mentions (not including 'pointers').</b>			<b>1 Voxpops 2 Polls 7 Letters</b>		

**Table 10:1: Coverage in the eight papers by number of stories, features / opinion articles, editorials, letters, opinion polls, voxpops, front or back-page pointers and cartoons for period March 9 – 21, 2010.**

Table 10:1 shows that during the period under review, a total of 129 news stories were published about the Clarke – Bingle break-up, substantially more than the 74 of the Shane Warne phone sex scandal for roughly the same period of time. However, in comparison with the previous case study, there were 74 features or opinion pieces, compared to 30 during the Warne scandal – an increase of almost two-and-a-half-fold. There were also seven series of Letters to the Editor, two opinion polls and one group of *voxpops*, compared to only two series of Letters to the Editor in the Warne coverage. Conversely, there were twice as many editorials about the Warne incident (6) compared to this case study (3). The cartoonists showed more interest in Clarke’s failed romance, publishing roughly one a day (14), compared to 10 during the fortnight-long Warne phone-sex scandal. Various aspects of the story made page one on a total of 14 occasions. On two days – the day after the story broke, March 10, and March 13 when stories appeared detailing the break-up – the issue was front page in three papers (*The Daily Telegraph*, *The Sydney Morning Herald* and the *Herald Sun* on March 10, and *The Sydney Morning Herald*, *The Weekend Australian* and the *Saturday Herald Sun* on March 13). The day the story first appeared in the papers – Tuesday, March 9 – it led the back page sports section in four papers. The page one stories

varied in length from nine to 33 paragraphs, five of them continued onto inside pages.

Table 10:1 also shows that, as was the case with the Warne story, the Melbourne tabloid, the *Herald Sun*, and its Sunday counterpart, showed the most interest with a total of 49 mentions (26 news stories, 12 features or opinion pieces, four Letters to the Editor series, one poll and six cartoons), slightly more than 20 percent of the total coverage in the eight papers, followed closely by its sister tabloid in Sydney, *The Daily Telegraph*, with 46 mentions (25 stories, 14 features or opinion pieces, two editorials, one poll, one Letter to the Editor segment and three cartoons), representing another 20 per cent of the coverage. The paper next most interested in the story, *The Courier-Mail* (and its Sunday equivalent) ran a total of 31 mentions (comprised of 16 news stories, 12 feature / opinion pieces, one group of *voxpops* and two cartoons), the equivalent of about 13 per cent of the total or about 63 per cent as much as the *Herald Sun* published). As has been the case with all five case studies, the paper least interested in the latest celebrity story was *The Canberra Times* which carried only three news stories during the 13-day life of the story, all in the first week. The next lowest number of mentions was in *The Australian* (and its weekend edition) – 18 (13 news stories and five feature / opinion pieces), six times the level of interest displayed by the editors of *The Canberra Times*. The number of cartoons totalled more than the Warne case study (14 about Clarke – Bingle and 10 about Warne).

<b>Date:</b>	<b>No of papers covering</b>	<b>Number of stories</b>	<b>Opinions / Features etc.</b>	<b>Editorials</b>	<b>Cartoons</b>
<b>Tuesday March 9</b> 10 mentions	7	9	1	0	0
<b>March 10</b> 23 mentions	8	11	9	1 Poll	2
<b>March 11</b> 26 mentions	7	9	12	2 Letters & 1 <i>Voxpops</i>	3
<b>March 12</b> 25 mentions	6	14	9	1 Letter	1

<b>Saturday March 13</b> 33 mentions	7	14	15	1 Letter	3
<b>March 14</b> 34 mentions	6	16	12	1 Poll & 2 Letters	3
<b>March 15</b> 16 mentions	7	11	4	0	1
<b>March 16</b> 14 mentions	6	11	1	1	1
<b>March 17</b> 8 mentions	5	8	0	0	0
<b>March 18</b> 5 mentions	2	4		1 Letters	0
<b>March 19</b> 9 mentions	4	7	1	1	0
<b>March 20</b> 21 mentions	7	12	8	1	0
<b>March 21</b> 5 mentions	3	3	2	0	0
<b>Totals:</b> 230 mentions		129	74	3 Plus: 7 Letters; 2 Polls & 1 <i>Voxpops</i>	14

**Table 10:2: Coverage by number of papers that covered the story each day, by the number of stories, opinion pieces, editorials and cartoons for period March 9 – 21, 2010, and also showing total mentions each day.**

Table 9:2 in the previous chapter showed that the Warne phone sex scandal was covered by an average of more than half (4.5) of the eight papers surveyed each day and received a total of 122 mentions, slightly more than eight per day. Table 10:2 above shows that the Clarke – Bingle story received a total of 230 mentions – approaching double that of the Warne story – in the same eight papers over a similar period (14 days for Warne, 13 for Clarke). It was an average of about 17.7 mentions per day. The number of papers covering the story each day averaged nearly three-quarters of the papers surveyed (5.7), substantially more than for Warne. Interest was at its highest in the first week of the story. The most mentions, 34, occurred in six Sunday papers on March 14 – 16 news stories, 12 features or opinion pieces, one poll, two Letters to the Editor segments and three cartoons.

At the other end of the scale, the least number of mentions came in the Sunday papers the following weekend (March 21), with three papers giving a total of only five mentions – three news stories and two opinion pieces. Like the Warne case study, all eight papers covered the story on only one day, March 10, the day after the first stories appeared in the papers. There were five other days when seven of the eight papers researched covered the story (March 9, 11, 13, 15 and 20), and three days (March 12, 14 and 16) when six papers covered the story. All but one were in the first eight days of the life of the story, and represented more than 80 per cent of the coverage.

<b>Paper</b>	<b>Days covering</b>	<b>Days of Multiple mentions</b>
<i>Courier-Mail &amp; Sunday Mail</i>	11	8
<i>SMH &amp; The Sun Herald</i>	12	7
<i>The Daily Telegraph and Sunday Telegraph</i>	11	8
<i>The Australian and The Weekend Australian</i>	9	6
<i>The Sunday Age and The Age</i>	10	6
<i>The Sunday Herald Sun and the Herald Sun</i>	11	10
<i>The Advertiser</i>	9	6
<i>The Canberra Times</i>	3	0

**Table 10:3: The number of days each paper covered the Clarke story, and the number of days of multiple mentions.**

It would be expected that interest in the Clarke – Bingle relationship would be highest in their ‘home town’, Sydney. What was not expected was that the then-morning broadsheet, *The Sydney Morning Herald* (and its Sunday counterpart, *The Sun Herald*), would cover the story on more days than the tabloids, who generally favour stories about celebrities and sport. *The Sydney Morning Herald* covered the story on all but one of the 13 days researched, while three tabloids, *The Daily Telegraph* (and *The Sunday Telegraph*), the *Herald Sun* (and the *Sunday Herald Sun*) and *The Courier-Mail* (and *The Sunday Mail*,

although *The Courier-Mail* maintains its format is 'compact'), all covered the story on 11 days. Seven of the eight papers researched covered the story at least nine of the 13 days (almost 70 per cent of the time), while *The Canberra Times* (and its Sunday edition) ran one news story on three separate days. While the *Herald Sun* may not have carried stories on as many days as *The Sydney Morning Herald*, on all but one day of its coverage it ran more than one item about the celebrity break-up. *The Sydney Morning Herald* ran the most number of stories on a single day – 12 on Saturday, March 13, with news of the engagement break-up comprising two news stories, seven feature / opinion pieces, one series of Letters to the Editor, and two cartoons. One of the cartoons, by *SMH* illustrator Cathy Wilcox, was part of a series of four reviewing the week's news and showed a reporter presumably calling out to an Editor: 'How much will we pay Lara for the exclusive about how we wrecked her love life?' (Wilcox, 2010). The *Herald Sun* ran the second-highest number of stories on the one day – 10 items on March 11 – two news stories, five feature / opinion pieces, one series of Letters to the Editor, and two cartoons.

These breakdowns further demonstrate the trend of newspapers publishing increasing numbers of feature / opinion pieces on a particular story since the advent of the Internet and various social media platforms.

***One article analysed:***

Stories about Clarke's 'dash home' first appeared in the newspapers on Tuesday, March 9, 2010. A day later former cricketers and commentators alike were questioning whether he had 'what it takes' to be Australia's Test captain. Cricket writer for *The Sydney Morning Herald* and on-air radio commentator for the *ABC*, the late Peter Roebuck, who has been quoted in other contexts in this thesis, told his readers on March 10 (2010a) that Clarke needed to choose 'between a fraught personal life and his career in cricket'. The *Herald*

carried the story on page one under the headline 'Clarke's choice: love or leadership', suggesting that he couldn't have both (Roebuck, 2010a). The *Herald's* sister Fairfax broadsheet in Melbourne, *The Age*, carried a longer version of the same opinion piece (Roebuck, 2010c) in its sports section with a 'pointer' above the masthead on the right-hand side of the front page ("Peter Roebuck: Cricket first, romance second," 2010) that suggested that he needed to get what Roebuck considered to be his priorities right, by putting cricket first in his life. *The Age* version (Roebuck, 2010c) was chosen for closer examination, partly because it contains 13 more sentences than *The Sydney Morning Herald* version (Roebuck, 2010a). While the *SMH* version is 9 paragraphs long, and *The Age* version 11, they are all long paragraphs each containing several sentences. The Roebuck article in *The Age* covers about a third of a tabloid-size page in the paper's tabloid sports section with the only illustration his head-and-shoulders between the first and surname of his by-line. The story is all words, without a sub-heading or illustration to break up the large body of text. Alongside it, covering the other two-thirds of the page is a story by another *Fairfax* sports writer, Will Swanton (Swanton, 2010a) datelined Hamilton, New Zealand (the Australian team was touring New Zealand), quoting former Australian captain Ian Chappell (older brother of Greg, the subject of the third case study) as casting doubts on Clarke's aspirations to be the Test captain. That story also quoted another former Australian cricketer Mark Waugh, brother of another former Australian Test captain ('older' twin, Steve), on the difficulties of balancing private and public life for an international cricketer (Swanton, 2010a). Prior to the Roebuck article, there had been at least one attempt to sympathetically explain the problems associated with cricketers being away from home so often (Craddock, 2010b). Roebuck's article is framed with value-laden words and phrases like the afore-mentioned 'fraught personal life' and refers to his 'turbulent relationship', a

position Roebuck saw as 'untenable', and how it was 'no longer possible to turn the other ear and ignore the gossip'. In the opening paragraph Roebuck says that Mark Antony could testify that 'obsession can be a man's undoing' framing Bingle as Clarke's Cleopatra (Roebuck, 2010c). But he did concede:

Ordinarily, journos are the last people on earth entitled to speak about anyone else's affairs. Most adopt the approach adopted by the great Bill O'Reilly, namely that players are fair game on the park and otherwise off limits (Roebuck, 2010c).

While that might have been the case while O'Reilly was playing, and later during his lengthy reporting career in the last Century, it has certainly not been evident in the last two case studies.

Roebuck described Clarke as having 'a schoolboy crush' (on Bingle) and as someone who lacks the maturity to balance his public and private lives (Roebuck, 2010c). He suggested that cricketers only 'rushed home' upon hearing 'dreadful news of a family loss' or when 'informed of a devastating illness'. He suggested 'now and then' a player was allowed home to attend a birth. After giving a couple of other reasons why a cricketer might leave the team, Roebuck declared Clarke's case was different:

His responsibilities do not permit withdrawal in any except the most desperate circumstances. None of the evidence indicates that any such conditions prevailed (Roebuck, 2010c).

Roebuck framed Clarke's fiancée in unflattering terms, too, referring to Bingle as a woman 'who stumbles from public relations disaster to public relations calamity', called her manners 'poor'. He took particular exception to 'the poor company she keeps':

In short, she craves attention and courts controversy. Yet Michael, the class act of the pairing, seems besotted (Roebuck, 2010c).

He continued to criticise what he saw as Clarke's immaturity and the lack of 'settlement in his life' suggesting in the closing paragraph:

Until it (settlement in his life) is obtained, Cricket Australia will be reluctant to put the national team completely in his hands (Roebuck, 2010c).

Fellow *Sydney Morning Herald* sports writer, Dan Silkstone, came to the couple's defence in an opinion piece on the paper's website later the same day (Silkstone, 2010) asking: Why should Clarke place cricket first and romance second? In *The Australian's* media section the following Monday (March 15), James Chessell (2010) reported that the original version of the column said that as a cricket writer Roebuck 'is damn near without parallel in this country' but then added:

...as a commentator on contemporary gender relations he stands at the crease like a hybrid of [tailenders] Devon Malcolm and Bruce Reid – wielding a toothpick (Silkstone, 2010).

Chessell said the online article was taken down from the website and when it was reinstated it did not contain the criticism of Roebuck. The researcher had downloaded the original version of the Silkstone article before it was taken down from the *Herald* website, and it does indeed contain the disparaging remarks about Roebuck's capacity to comment on 'matters of the heart'. The version of the column now available from the *SMH* website does not contain the disparaging references to Roebuck (Silkstone, 2010).

### ***Chadwick and the Code of Ethics:***

As mentioned in an earlier section of this case study, the MEAA Code of Ethics at the time of the Clarke – Bingle incident was the version adopted in the final year of last century ("MEAA Code of Ethics," 1999), which offered little for sporting celebrities craving privacy. While it contains one clause that refers to respect for personal privacy, it also states that its

standards can be over-ridden in the interests of 'substantial advancement of the public interest'.

The Australian Press Council's view ("Australian Press Council: Privacy Standards," n.d.) is that the right to privacy 'is not to be interpreted as preventing publication of matters of ... significant public interest' ("Australian Press Council: Statement of Principles," 2009), but intrusion into the private lives of public figures 'must be related to their public duties or activities' ("Australian Press Council: Privacy Standards," n.d.).

Neither offers much comfort to an engaged couple seeking privacy to resolve problems in their relationship.

As has been mentioned in earlier case studies, Chadwick, initially with Mullaly (1997) and later by himself (Chadwick, 2003, 2004, 2005, 2008) developed the theory of the Taxonomy of Fame. While acknowledging that breaches of privacy can be justified 'where a superior public interest is served by the disclosure' (Chadwick & Mullaly, 1997, p. 1) they agreed that a matter of public interest was not the same as something that was interesting to the public (Chadwick & Mullaly, 1997, p. 2). Chadwick made additional suggestions in the first decade of the 21<sup>st</sup> Century (after the Warne incident) as he further developed the Taxonomy.

Among them was his test for media intrusion:

Does the public interest in disclosure outweigh the privacy interest of the persons involved? (Chadwick, 2003, p. 12).

In the most recent iteration of his theory, Chadwick added what he called a Privacy Alert System (Chadwick) which would see a story assessed internally prior to publication if the paper was alerted by someone who believes a potentially damaging disclosure is about to be made about them (Chadwick, 2005, pp. 10 - 11). There is no provision for any internal assessment unless someone has drawn the particular media's attention to the potential

damage a story could cause them. Chadwick later noted: 'In privacy cases, corrections and apologies tended simply to make things worse by repeating that which has been disclosed' (Chadwick, 2008, p. 2). While Chadwick had honed his theory in three separate conference presentations in the years following the Warne incident, it seems to have had little effect on a press that sees celebrity news as among their top priorities.

***Summary:***

The Clarke – Bingle break-up dominated the nation's media for almost a fortnight. In pure statistical terms it captured the media's agenda to an even greater extent than coverage of Warne's phone sex scandal. A total of 104 stories were written about Warne while nearly double that figure were – a total of 203 – were published about the Clarke – Bingle break-up. Like the Warne case study it demonstrated the increasing interest in celebrity coverage in modern-day media. It also demonstrated the propensity for modern-day print media to use everything in their journalistic toolkit to cover major stories. Whereas with the Bradman, Miller and Chappell case studies there were either news stories or colour pieces (and one cartoon), in the Warne and Clarke case studies, there was a wider range of story / illustrative types. In the Clarke case study, the researched newspapers published 129 news stories, 74 feature / opinion pieces, gave their opinions in three editorials, let the public have say in seven series of Letters to the Editor and in one set of vox-pops), ran two polls on aspects of the story, published 14 cartoons and used 'pointers' on 17 separate occasions to alert readers where to look for the latest news of the break-up. Putting the 'pointers' to one side because they don't qualify as a story or illustration, that's a total of 230 pieces of media reporting and commentary.

**Postscript:**

Less than two years after the engagement break-up, Clarke had 'earned the respect' he craved of the Australian sporting public, and the nation's cricket writers, with an outstanding series of on-field performances. By 2012, he was being framed in entirely different terms. *News Limited's* Malcolm Conn described his batting as 'Bradmanesque' (2012). He reported he had created a 'club' so unique that not even Bradman was a member:

By scoring 210 during the fourth test in Adelaide yesterday, Clarke became the only captain in 135 years of rich and colourful test history to make a double and triple century in the same series (Conn, 2012).

Another sports writer published a letter of apology to the Australian captain on behalf of his colleagues and sports fans (Tuxworth, 2012):

On behalf of the Australian sports media and cricket fans across this sunburnt nation, it's time to officially say sorry ... We mistook the jazzy haircuts, the stunners hanging off your arms and those Bonds ads where you caught tennis balls in your jocks as a lack of character... The past two years, you have proven you have more strength of character and toughness than any of us mere mortals could ever hope to have (Tuxworth, 2012).

Still (as of mid-2014) the national cricket captain, Clarke obviously learned from the excessive media coverage of his break-up with Lara Bingle. When he married model Kyly Boldy, a friend from his schooldays in Sydney's western suburbs, in May 2012 (Byrne, 2012), he did so in secret in front of family and a few friends. He announced the wedding on Twitter, providing photos of the big day, and leaving newspapers with headlines like 'Michael Clarke's secret fairytale wedding' on page one and 'Pup and Kyly share their

wedding album' on inside pages (Byrne, 2012). It was estimated at the time the couple could have demanded more than \$100,000 from a gossip magazine for the exclusive rights to the wedding photos (Stevenson, 2012). About a week after his wedding Clarke told a business conference in Adelaide that he did not think he would ever feel comfortable with the intrusion into his private life ("Clarke uneasy about scrutiny," 2012):

I think I find the scrutiny on the field quite easy to deal with ... the stuff that I have probably found hard to accept, is the off the field stuff (Quoted in "Clarke uneasy about scrutiny," 2012).

Six months after the marriage, a sports journalist compiled statistics that showed: 'Michael Clarke is the best advertisement for marriage and a settled home life' (Rothfield, 2012).

Rothfield showed that while Clarke was with Lara Bingle he scored 2,615 runs at an average of 54.5. Since starting the relationship with Kyly he had scored 1,882 runs at an average of 75.2, but in the six months since their wedding he had scored 527 runs at an average of 263.5 (Rothfield, 2012).

Barely a month after Clarke's wedding, his former fiancée appeared on television in her own reality program titled 'Being Lara Bingle' on the *Ten Network*. Her first night audience was described in the media at the time as 'slightly above expectations' with a total of 925,000 viewers, the 13<sup>th</sup> most popular program on the night, but sixth among the younger demographics (Bodey, 2012b). The audience dropped each week and the series' final night, which co-incident with the London Olympics, saw the program's audience drop to 387,000, and be characterised by one newspaper critic as not 'so much a finale as a scamper into ignominy' (Bodey, 2012a).

After losing the five-match Ashes series 3 – 0 in England in the northern summer of 2013 (two matches were drawn), Clarke returned to Australia to prepare for the return series

during the southern summer of 2013-14. In the lead-up to that series, the man he replaced, former captain Ricky Ponting, released his autobiography (2013) in which he claimed that Clarke's engagement to Bingle had affected his relationship with his team-mates. Ponting noted that away from cricket 'he moved in a different world to the rest of us' (2013, p. 589) and he expressed reservations about his ability to lead the national team (pp. 589 - 591), reservations he said no longer held after Clarke broke up with Bingle (p. 591). The week after the release of Ponting's book, Bingle gave the national captain more unwanted publicity by telling *The Sunday Telegraph* that leaving Clarke 'was the best thing I ever did' (Wasley, 2013). The captain's wife, Kyly, also a model, used a cover story on her for *Australian Women's Health* that took the form of a Q & A (F. Hartley, 2014) a few months later to describe Lara's swipe at her husband as 'water off a duck's back'. According to the gossip magazine *Woman's Day*, about the same time (January 2014), Bingle decided to 'quit Australia' and live overseas with her latest boyfriend, Australian actor Sam Worthington, claiming: 'I don't like the attention. We don't get any peace' (Toy, 2014).

If Clarke had been upset or worried about the opinions of Ponting or Bingle it didn't show on the field. The Australians made a clean sweep of the return Ashes series 5-0, regaining the coveted Ashes 'urn', the symbol of Test cricket supremacy between the two nations. Well before the fifth successive victory in Sydney in early January, 2014, *The Sydney Morning Herald's* chief sports writer, Andrew Webster, was praising the 'rock-star cricketer who came good' under the headline 'How Australia fell back in love with Pup' (2013). Of relevance to this thesis is Webster's comment that with the possible exception of Clarke's close friend Warne, 'no Australian cricketer has been so maligned' as Clarke (2013). But, according to Webster, that era was over. Now he could do no wrong. Over the five case studies in this thesis it is as if, by 2014, they have come full circle – the hero worship

reserved for Bradman during his playing career was now being heaped upon another: the current national captain, Michael Clarke.

**Appendix 10:1:**

Date	Paper	Pointer	Stories	Cartoon
<b>Tuesday, March 9</b>	The Daily Telegraph		Pup's dash home (Back page, P 96) (Writer: Robert Craddock) 8 pars. Whole page	
"	The Sydney Morning Herald		Shock as Clarke races home from NZ tour (Back page, SportsDay, P 24) (Will Swanton) 11 pars	
"	The Australian		Clarke flies back home to Bingle (Back page, P 36) (Peter Lalor) 21 pars	
"	Herald Sun		Pup quits tour (Page 86) (Greg Buckle) 18 pars. Fev's cold front (P 7) (Ceryl Critchley and Padraic Murphy) 20 pars, including 5 re Bingle and Clarke.	
"	The Age		Clarke in sudden dash from tour (P 3) (Will Swanton) 18 pars	
"	The Advertiser		Clarke on way home from NZ (P 94) (Greg Buckle) 12 pars	
"	The Courier-Mail		Coming Home: Vice-captain Clarke leaves Kiwi tour (Back Page, P 80) (Greg Buckle & Robert Craddock) 10 pars. Opinion: Home games are the most important (P 78) (Robert Craddock) 16 pars. Bingle's payday goes to charity (P 18) 5 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Wednes., March 10</b>	The Daily Telegraph	P1 Full report pages 4 - 5	Pup's test of love (P 1) Large photo of Lara. One par; two sentences. Opinion: Is Clarke ready to walk away? (P 4 & 5) (Andrew Webster & Annette Sharp) 17 pars. Opinion: Cricketing future is in great jeopardy (P 4) (Robert Craddock & Christian Nicolussi) 12 pars. Opinion: Happy home vital for heir apparent (P 5) (Robert Craddock) 16 pars. Poll: Does Michael Clarke deserve to be Australian cricket captain one day? (P 28)	P 29: Where the bloody hell is he?
"	The Sydney		Opinion: Clarke's choice: love or	

	Morning Herald		<p>leadership (P1) (Peter Roebuck) 9 pars.</p> <p>Opinion: Just do what comes naturally as Pup tails the WAG: laugh (SportsDay P 19) (Richard Hinds) 13 pars.</p> <p>Chappell queries Clarke's claims to captaincy (SportsDay P 18) (Will Swanton) 13 pars.</p>	
"	The Australian		<p>Oh no, Clarke off pitch with work-Bingle balance (P 3) (Drew Warne-Smith) 13 pars.</p> <p>Clarke leaves Test selectors in limbo (P 30) (Peter Lalor) 33 pars.</p>	
"	Herald Sun		<p>Love on the rocks (P 1 &amp; 4) (Andrew Webster &amp; Annette Sharp) 19 pars.</p> <p>Pup to return for the Tests (P 86) (Robert Craddock &amp; Christian Nicolussi) 14 pars.</p> <p>Opinion: A walking nightmare for Clarke (P 4) (Robert Craddock) 19 pars.</p>	P35: Out LBW: Lara Before Wicket
"	The Age	P 1: Peter Roebuck: Cricket first, romance second	<p>Opinion: Time for Clarke to decide on his career path (Sport p 5) (Peter Roebuck) 11 long pars.</p> <p>Captaincy dream may be gone, says Chappell (Sport P 5) (Will Swanton) 17 pars.</p> <p>Opinion: Roebuck on Lara (Bingle not Brian) (Sport P 12) (Peter Hanlon) One long par.</p>	
"	The Canberra Times		Clarke keen to return for Tests (P 26) (Daniel Brettig) 12 pars.	
"	The Advertiser		<p>Clarke ponders pulling stumps on Bingle (P 3) (Andrew Webster &amp; Annette Sharp) 7 pars.</p> <p>Opinion: Clarke best not to bungle over Bingle (P 88) (Geoff Roach) 13 pars.</p>	
"	The Courier-Mail	P 1 Hit for Six – P5	<p>Clarke may pull stumps (P 5) (Andrew Webster &amp; Annette Sharp) 15 pars.</p> <p>Clarke on Test duty (P 78) (Robert Craddock &amp; Christian Nicolussi) 15 pars.</p>	

Date	Paper	Pointer	Stories	Cartoon
<b>Thursday, March 11</b>	The Daily Telegraph		Angry calls have ring of finality (P 4 & 5) (Annette Sharp) 24 pars. A captain in waiting heeds call of cricket (P 5) (Andrew Webster) 11 pars. Opinion: Poll pans Clarke but Board is onside (P 4) (Robert Craddock) 14 pars.	P 29: The elephant in the room...
"	The Sydney Morning Herald	P 1: Single Bingle	Opinion: Stay in touch ... with single Bingle (P 24) (Sean Nicholls & Jessica Mahar) 1 par (12 sentences). Cracks showing long before Bingle debacle (Sports P 22) (Will Swanton & Sarah Leach) 11 pars on Clarke.	
"	The Australian		Clarke may be ready to walk (P 1 & 2) (Drew Warne-Smith) 17 pars. Opinion: Bingle and the Pup, to the Max (P 11) Poem by Caroline Overington) 8 verses. Opinion: Warning bells for a future skipper (P 11) (Drew Warne-Smith & James Madden) 43 pars.	
"	Herald Sun	P 1: Lara, the DJ & the other woman	Clarke could not take any more (P 4 & 5) (Annette Sharp) 23 pars (Later: The last straw for angry Clarke). Opinion: Pup wants to get mind back on the job (P 5) (Andrew Webster) 11 pars. From go to woe (P 5) (Timeline) 15 pars. Opinion: All or nothing, Pup (P 94) (Christian Nicolussi) 17 pars. Opinion: Lara mess a PR disaster (P 34 & 35) (Patrick Carlyon) 36 pars. Opinion: the key to happiness is simple: get a real job and then get a life (P 34 & 35) (Jill Singer) 25 pars. Opinion: Sportsmen not the best role models (P 35) (Neil Mitchell) 17 pars. Your Say (P 36): 11 Letters to the Editor. Bingle snubs AFL (P 93) (Michael Warner) 10 pars.	P 37: Lara gives the media the finger. The umpire gives Lara the finger.  P 36: Sometimes it's hard to tell where the Pup ends and the Wag starts
"	The Canberra Times		Distracted Pup unwanted in NZ (P 24) (Will Swanton & Sarah Leach) 24 pars.	

“	The Advertiser		Feature: So, are the tails wagging the top dogs of cricket? (P 23) (Richard Earle) 29 pars. Opinion: Having a relationship in which both participants want to be a star is operating on a dangerous playing field (P 22) (Amber Petty) 19 pars. Online (P21) 7 Letters to the Editor.	
“	The Courier-Mail	P1: Breaking Point P 7	Lara’s ring goes – engagement might be next (P 7) (Annette Sharp) 13 pars. Opinion: The ultimate test (P 94) (Christian Nicolussi) 12 pars. Bingle snubbing investigators (P 90) (Michael Warner) 9 pars. Voxpops: Should Michael Clarke remain Australian cricket vice-captain? (P 35) Three ‘yes’, two ‘No’.	

Date	Paper	Pointer	Stories	Cartoon
<b>Friday, March 12</b>	The Daily Telegraph	P 1: Full story pages 4 – 5	Clarke’s assets are safe in split (P 1) (Janet Fife-Yoemans, Clementine Cuneo and Chelsea White) 11 pars. Clarke won’t be sold a pup in Bingle split (P 4 & 5) (Janet Fife-Yoemans, Clementine Cuneo and Chelsea White) 18 pars. Feature: It’s all tweetness and light as the messages flow through (P 4) 10 pars (plus graphic including 10 tweets). Feature: What they earn (P 5) (Michael John Clarke) Income details. DJ takes his romantic secrets with him as he quits Sydney (P 5) (Annette Sharp) 12 pars. Pup must clean up act: Slats (P 152) (Christian Nicolussi) 13 pars.	
“	The Sydney Morning Herald		Minister goes in to bat for Clarke (P 1) (Tim Lester) 9 pars.	
“	Herald Sun	P: 1: Clarke calls in the	All that’s left is the carve-up (P 4 & 5) (Janet Fife-Yoemans, Clementine Cuneo and Chelsea White) 25 pars. Silence after circus (P 5) (Siobhan	

		lawyers: Lara and the \$10m fight – pages 4 & 5.	Duck) 12 pars. Feature: Michael Clarke (P 4 & 5) Details of wealth. Feature: Lara Bingle (P 5) Sponsorships and gifts from Clarke. Pull your head in (Back page P 128 & 123) (Jon Ralph) 14 pars. (Advice to Fevola). Still the one (P 116) (Nick Quinn) 3 pars. (Clarke firm favourite with bookies as next captain) Your Say (P 36) Letter to the Editor (Fevola should be bagged, not Lara).	
“	The Age		Minister supports cricketer (P 3) (Tim Lester) 6 pars.	
“	The Advertiser		Fix things up or miss captaincy (P 87) (Christian Nicolussi)( 12 pars. Pup takes time out for advice (P 14) (Janet Fife-Yoemans) 12 pars. Feature: What they own (P 14) Michael: 10 dot points. Lara: 5 dot points.	
“	The Courier-Mail		Feature: No escaping the scandal: Split could be costly for Clarke (P 9) (Janet Fife-Yoemans, Clementine Cuneo and Chelsea White) 16 pars. Feature: What they own (P 9) Similar to <i>Tiser</i> above. No client too big or small (P 9) (Alex Dickinson) 6 pars. Clarke no captain: Slater warns of repeating Warne’s errors (P 126) (Christian Nicolussi) 11 pars. Opinion: How to manage divorce (P 127) (Mike Colman) 30 pars. Opinion: Odds are captain Clarke still a good bet (P 111) (Robert Craddock) 4 pars.	P 37: Mr Markson... you want \$1 million and we don’t even know if Bingle is single yet?!!

Date	Paper	Pointer	Stories	Cartoon
<b>Sat’day, March 13</b>	The Daily Telegraph	P1: Bingle and Clarke split P5	Hello, we’re finished (P 5) (Andrew Webster & Annette Sharp) 14 pars. Comment: Shane a shoulder to cry on for Pup (P 142) (Andrew Webster) 11 pars. Comment: Sharing Pup’s pain (P 151)	

			(Rebecca Wilson) 21 pars.	
“	The Sydney Morning Herald	P1: Puppy love comic strip Sports Day 13 Sayonara Lara, P 4	Brand Australia lines up to say g’day to another Bingle bungle (P 1) (Julian Lee) 12 pars. Feature: Sayonara, Lara: the love affair is over (P 4) (Jacqueline Maley) 28 pars. Bingle’s silence may let Fevola off the hook (P 4) 4 pars. Feature: Fitful golden era of men-only cricket unlikely to return (P 4) (Malcolm Knox) 16 pars. Comment: The Chaser Headlines of the week: Clarke and Bingle to split wealth using the Duckworth-Lewis method (News Review P 2) 3 pars. Opinion: Ghouls shower Bingle with scorn (P 7) (Miranda Devine) 17 pars. Comment: Postscript (News Review P 8) (Mike Ticher, Letters editor) 4 pars. Silence, please from everyone (Letters to the Editor) (News Review P 8) 4 letters. Opinion: Someone call Oprah – this mess is just not cricket SportsDay P 13) (Richard Hinds) 15 pars (+ unflattering Bingle cartoon). Comment: Bingle-free column, except the first bit (SportsDay P 14 (Peter FitzSimons) 2 pars.	News Review P 8: One of quartet of cartoons on week concerns Clarke and Bingle: How much will we pay Lara for the exclusive about how we wrecked her love life?  Pulp fiction: And they called it puppy love (SportsDay P 13) Six-frame cartoon on Lara and Michael.
“	The Weekend Australian		Clarke, Bingle: it’s over (P 1) 4 pars. Clarke, Bingle declare it’s over (P 3) (Jodie Minus & Caroline Overington) 18 pars. Opinion: How to risk a reputation and make a tidy fee (Inquirer P 7) (David Penberthy) 28 pars.	
“	Saturday Herald Sun	P 1: The Real Lara Bingle	You’re out: It’s official: Clarke calls it quits with Lara (P 1 late edition) (Geraldine Mitchell) 9 pars. Lara’s take on the Fevola affair (P 5) 12 pars. Tired of hearing the Bingle version, Brereton reveals ... I told her Fev was married (P 5) (Siobhan Duck) 19 pars.	P 73: You get the Aston Martin, the ring and the (cricket) pad.
“	The Age		Bingle lying, says Brereton (P 9) (Julia Medew & Megan Levy) 12 pars.	

			Opinion: Clarke lark has us old hacks channelling Oprah (Sport P 10) (Richard Hinds) 16 pars. Opinion: Tourist attraction (Sport P 5) (Malcolm Cox) 14 pars.	
“	The Advertiser		Bingle tries buying her way out of crisis (P 7 early ed’n) 7 pars. Lara and Pup: It’s over, leave us alone (P 3) (Richard Noone) 13 pars. Lara’s day of retail therapy (P 21) (Richard Noone) 8 pars. Opinion: Clarke up to test (P 118) (Rebecca Wilson) 26 pars. Opinion: Des Houghton: This column is guaranteed Lara Bingle-free (P 56).	
“	The Courier-Mail		Bingle single after couple call it quits (P 7) (Andrew Webster) 13 pars. Bingle knew Fev married (P 126) 6 pars. Opinion: Most of us have regrets from our 20s (P 32 & 33) (Madonna King) 22 pars.	

<b>Sunday, March 14</b>	The Sunday Telegraph	P 1: The Clarke – Bingle split: Now it gets nasty P9	Family dumps on Pup (P9) (Jonathon Moran) 20 pars. Synergy no more (P 9) 5 pars. 12 days of madness (P 9) 9 pars. Feature: Lara and all the news that’s not fit to print (P 45) (Claire Harvey) 26 pars. Opinion: Max makes his mark on Bingle’s reputation (P 45) (David Penberthy) 26 pars. Opinion: Hounded by Puppy love (P 59) (Andrew Webster) 19 pars. Feature: Myths, Pup and a secret dossier (P 60 & 61 (Peter Badel) 34 pars. Includes several graphics: perception v. reality; Michael in the community; off-field evolution; what people don’t understand; celebrity by choice & what will we be emphasising? Letters: They said it... (P 106) ‘Where the bloody hell are you, Clarke? (banner); ‘I want to read less about Bingle and Clarke’(Sports Minister	P 44: Looks like he’s brought out the runner!!
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			Kate Ellis).	
“	The Sun Herald		<p>Exclusive: How their love went down the drain. Inside the split (P 1) Four pointers to other pages. ¾ of page 1. They would have split even without <i>that</i> photo (P 8) (Matthew Benns &amp; Caroline Marcus) 14 pars.</p> <p>Lovebirds lose their Synergy (P 8) 3 pars.</p> <p>Ring of fear: frantic call to plumbers in the night (P 8) (Eamonn Duff &amp; Rachel Browne) 8 pars.</p> <p>It’s disgusting how the AFL has treated Lara: Markson (P 9) (Caroline Marcus) 9 pars.</p> <p>Being Bingle: A day in the life (P 11) (Caroline Marcus) 12 pars.</p> <p>Feature: Thousands go online with their two cents’ worth on the split (P 11) 4 pars.</p>	
“	Sunday Herald Sun		<p>Clarke, Bingle dumped from drink deal (P11) (Ellen Whinnett &amp; Jonathon Moran) 8 pars.</p> <p>Opinion: My open letter to Lara Bingle: ‘Please don’t take his cash’ (P2) (Robyn Riley) 17 pars.</p> <p>Poll: You tell us: Would Michael Clarke make a good Test cricket captain for Australia? (P 76).</p> <p>Lara’s lawyers (P 76) One single-par Letter to the Editor.</p>	P77: This is a very sorrowful and distressing time for Miss Bingle ... form a queue & have your cheque books ready.
“	The Sunday Age		<p>AFL in new blue over Bingle as Clarke to depart (P 1 &amp; 6) (John Pierik &amp; Caroline Marcus) 17 pars.</p> <p>Feature: So, what the bloody hell were they thinking? (P 6) (Neil McMahon) 14 pars.</p> <p>Feature: From go to woe (Timeline) (P 6) 13 pars.</p> <p>Comment: Clarke affair draws sportswriters down the wicket (Sports P 8) (Tim Lane) 11 pars.</p> <p>Opinion: Bingle is not fair game: AFL must show better leadership (Sport P 3) (Carline Wilson) 15 pars.</p> <p>Bingle’s legal team returns AFL fire (Sport P 3) 5 pars.</p>	P 1: Newton’s theory of celebrity gravity (Lara falls from tree).

“	The Sunday Canberra Times		Opinion: Clarke seeks serenity in Test arena from gossip-plagued existence (P 54) (Will Swanton) 16 pars.	
“	The Sunday Mail (Qld)		Feature: Meet the men who are paid to put a positive spin on a broken romance for Pup and Lara (P 22 & 23) (Peter Badel) 50 pars. Bingle’s spruik for six-figure payday (P 23) (Jonathon Moran) 16 pars. Feature: Pup Inc. (P 45 & 48) (Peter Badel) 31 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Monday, March 15</b>	The Daily Telegraph		Clarke drowns his Lara sorrows (P 3) (Clementine Cuneo & Marcus Casey) 16 pars.	
“	The Sydney Morning Herald		Love down the toilet and a tyro to make Bingles flush (P 3) (Sean Nicholls) 17 pars. Opinion: Picture this: private space in the public sphere (P 9) (Barbara McDonald) 17 pars. Fears that crowd will show Clarke no mercy (SportsDay P 24) (Will Swanton) 12 pars.	
“	The Australian		Bingle’s ring cycle flushed with excitement (P 3) (James Jeffrey) 6 pars. Feature: Markson puts dollar value on Bingles’ reputation (P 32) (Amanda Meade) 18 pars. Fairfax acts to shield Roebuck (P 32) (James Chessell) 13 pars.	
“	Herald Sun	P 1: Bingle diamond hunt P 5	A messy business: Bingle split takes a heavy toll on Clarke (P 5) (Clementine Cuneo & Marcus Casey) 25 pars. Opinion: Women lose their roar (P 24 & 25) (Alan Howe) 32 pars. Hussey warns Kiwis off Bingle (P 71) (Greg Buckle) 14 pars.	
“	The Age		Bingle ring imbroglio no ordinary flash in the pan (P 3) (Sean Nicholls) 10 pars. Clarke too strong to take bait over	

			Bingle: Hussey (Sport P 3) (Will Swanton) 18 pars.	
“	The Advertiser		Hussey happy Clarke’s back (P 64) 6 pars.	
“	The Courier-Mail		Lara and Aston partin’ (P 10) (Clementine Cuneo & Marcus Casey) 13 pars. Opinion: Pup still man for the job (P 71) (Robert Craddock) 28 pars.	P 58: Was that the flipper or the wrong-un? ... the Bingle. Howzat?

Date	Paper	Pointer	Stories	Cartoon
<b>T’day, March 16</b>	The Daily Telegraph		Lara and Pup to front court (P 2) (Lisa Davies & Clementine Cuneo) 13 pars. Clarke hits turbulence (P 17) Joel Christie & Marcus Casey) 9 pars.	
“	The Sydney Morning Herald		Clarke will cop it, promises Beige Brigade (P 22) (Will Swanton) 9 pars.	
“	The Australian		Ring of intrigue to Bingle plumber tale (P 3) (Caroline Overington & Peter Kogoy) 10 pars. Clarke returns to the fold (P 34) (Peter Kogoy) 21 pars.	
“	Herald Sun	P 1: Lara’s day in court Page 5	Court date for Lara and Clarke (P 5) (Lisa Davies & Clementine Cuneo) 20 pars. Markson leaves mess behind (P 5) (Aaron Langmaid) 11 pars. Opinion: Familiar ring, but so riveting (P 25) (Susie O’Brien) 14 pars. Clarke to ‘cop it’ from fans (Sport P 4) (Will Swanton) 13 pars. Clarke’s horror flight to rejoin Test teammates (P 112) (Greg Buckle) 11 pars.	P 27: There must be a better way of making a living ... Hey, maybe I could sell my story to the women’s magazines!
“	The Advertiser		Editorial: Clarke faces biggest test (P 16) 3 pars. ‘Pup’ sticks head under the covers (P 90) (Greg Buckle) 23 pars.	
“	The Courier-Mail		Clarke rejoins team: Silent Pup dogged by media pack (P 70) (Greg Buckle) 17 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Wednes., March 17</b>	The Daily Telegraph		Oops ... I had a bingle in Lara's Aston Martin (sorry about that) (Half P 1 photo and one line). Fickle wheel of fortune: The day I had a \$1000 bingle in Lara's Aston (P 9) (Maureen Shelley) 15 pars. The mask can't hide the loss (P 9) (Paul Kent) 13 pars.	
"	The Sydney Morning Herald		Psychologist enlisted to shrink Pup's woes (SportsDay P 24 & 22) (Will Swanton) 12 pars. Flush with insults: why Kiwi sledgers can let rip at Clarke (SportsDay P 22) (Richard Hinds) 14 pars.	
"	The Australian		Clarke takes cover with teammates (P 34) 6 pars.	
"	The Age		Psychologist to help Clarke prepare for Test (Sport P 5) (Will Swanton) 14 pars	
"	The Courier-Mail		Kiwi kid gloves for Clarke (P 78) (Greg Buckle) 13 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Thursday, March 18</b>	The Australian		Clarke calls in real spin doctor (P 36 & 35) (Peter Lalor) 25 pars.	
"	Herald Sun		Clarke keen to bat away sledgers (P 92) (Peter Badel) 15 pars. Your Say: Warne bowls up with his advice (P 36) Letters to the Editor. 9 letters.	
"	The Advertiser		Pup's focus: Mentor says Clarke is job-ready (P 88 & 82) (Peter Badel) 19 pars. Bring on bait: Clarke (P 82) (Peter Badel) 13 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Friday, March 19</b>	The Daily Telegraph		Down to business: Clarke stands firm and puts a tough innings behind (P 9) (Paul Kent) 18 pars. Editorial: Different Spin (P 32) 3 pars. Verbal bouncers: But Clarke's ready to take the sledging on the chin (P 87) (Peter Badel) 15 pars.	

			Pup ready to rock: Weight lifted off Michael's shoulders says Ponting (P 116) (Greg Buckle) 14 pars. Warnie in phone aid to Clarke (P 116) (Peter Badel) 7 pars.	
"	The Sydney Morning Herald		Clarke's mind on the job, says punter (SportsDay P23) (Will Swanton) 7 long pars.	
"	Herald Sun		Warne reaches out (P 113) (Peter Badel) 17 pars.	
"	The Age		Ponting reassured after talk with Clarke (Sport P 6) (Will Swanton) 10 long pars. Opinion: Cricket world takes gender equity back a century or two (P 17) (Kate Seear) 11 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Saturday, March 20</b>	The Daily Telegraph		Hey Lara, Howzat! (P1) Covers most of page 1. One sentence throw to P 2 Pup applauds Lara's dignity (P 2) (Peter Badel) 15 pars. Opinion: Gossip's war of shock and awe (P 20 & 21) (Janet Fife-Yeomans) 38 pars Editorial: Well done, Pup (P 32) 3 pars. Who the bloody hell doubted me (P 150) (Peter Badel) 16 pars. Opinion: Pup's ton of courage (P 152) (Peter Badel) 5 pars. Throws to full report above.	
"	The Sydney Morning Herald (Weekend edition)	Back Page: Pup dedicates ton to Lara – P 6	Clarke dedicates timely ton to Bingle (SportsDay P6) (Will Swanton) 15 pars. Opinion: A tale of two batsmen: one man's mettle and another learning to settle (SportsDay P6) (Peter Roebuck) 11 pars. Feature: Bingle bungle dents king of stunts (P 2) (Rick Feneley) 30 pars.	
"	The Weekend Australian	P 1 Clarke scores on the rebound	Clarke thanks Lara after century duty (P 3) (Peter Lalor) 10 pars. Opinion: Clarke's ton of courage (P 41) 21 pars.	
"	Saturday	Back	Cop that Lara (Almost entire front	

	Herald Sun	Page: Clarke's ton of class – P 47	page) One sentence throw to page 9 and sport. Thanks Lara for inspiring me (P9) (Peter Badel) 13 pars. Clarke returns to first love (P 47) (Peter Badel) 14 pars. Pushed to the Max (P 85) (Scott Pape) 9 pars. Feature: Bingle crisis? What crisis? (P 34 & 35) (Patrick Carlyon) 63 pars.	
“	The Age		Comment: Playing to grin (Sport P 1) (Peter Roebuck) 23 pars. Clarke thanks Bingle, says he read every paper (Sport P 1) (Will Swanton) 10 pars.	
“	The Advertiser		Clarke puts personal strife aside to show ton of strength (P ?) (Peter Badel) 27 pars.	
“	The Courier-Mail		Thanks Lara: Clarke loses fiancée but gains a century (P 118) (Peter Badel) 21 pars. Opinion: Clarke shows captain metal (P 107) (Peter Badel) 13 pars.	

Date	Paper	Pointer	Stories	Cartoon
<b>Sunday, March 21</b>	The Sun Herald		Thommo's blood boils over the Clarke-Bingle saga (P 76) (Daniel Ramus) 12 pars. Comment: Hounded Pup's pearler (P 95) (Danny Weidler ) One par. Waugh backs Pup and Howard to lead from the front (P 77) (Daniel Lane) Q & A with Steve Waugh. Two questions on Clarke.	
	The Sunday Age		Feature: Ex-skipper Waugh goes in to bat for Clarke (P 5) (Daniel Lane) Q & A: Two of 7 on Clarke. 13 pars.	
	The (Qld) Sunday Mail		Bingle taking control (P 4) (Jonathon Moran and Elle Halliwell) 6 pars.	

**Appendix 10:1: Newspaper references to the Clarke – Bingle break-up from March 9 – 21, 2010.**

## Chapter 11:

### Expert opinions

#### ***Introduction:***

The case studies analysed in the previous five chapters informed the structure for the elite interviews that form the basis of this chapter. The interviews were undertaken to shed light on the themes and findings of the case studies.

The major finding was the significant increase in the media interest in stories involving sporting celebrities over the 65 years under review – from little interest at the time in the Bradman incident to the massive coverage afforded the Clarke – Bingle break-up. There were also noticeable differences in the way the stories were reported. The Bradman, Miller and Chappell incidents in the mid to late 1900s were covered as traditional news stories and colour pieces, whereas the coverage of Warne and Clarke ran the full gamut of newspaper approaches – news stories, features, opinion / commentary pieces, cartoons, editorials, letters to the editor and *vox pops*.

The interview sample included experts from the fields of print and broadcast journalism, ethics and sport, chosen to provide varying perspectives about the interwoven, often complex issues raised. While initially it was intended to interview the experts on the reasons for the differences in coverage, the questions (Appendix 1) ranged over wider ethical issues raised by the researcher's literature review and the case studies. The experts gave opinions on a range of other relevant issues which provide differing insights into those complex issues.

This chapter addresses two of the research questions and one hypothesis not discussed in the previous five case study chapters. They are:

Research Question 2: What might explain any differences in such coverage (of the private lives of the five cricketers detailed in chapters 6 – 10)?

Research question 3: What are the influences of new technologies on the coverage of the private lives of sports celebrities?

Hypothesis 3: Journalists, academics and sporting personalities differ on how sporting icons' private lives are covered by the media.

All eight experts interviewed for this segment are experienced at being interviewed. The three journalists (Paul Chadwick, Mark Day and Paul Ramadge) and four academics (Martin Hirst, Mandy Oakham, Ian Richards and Stephen Tanner), have all had extensive experience at interviewing, and being interviewed. The eighth interviewee, former fast bowler Damien Fleming, experienced being interviewed by sports journalists during his playing career and has interviewed many sportspeople in his post-playing career as a sports commentator on ABC radio and commercial television (both free-to-air and Pay).

***Interview format:***

Appendix 1 (pages ..... ) shows the general format of the seven topic areas covered in the interviews. They were undertaken in a semi-structured format with each interview beginning with biographical details of the interviewee followed by a discussion of the media's coverage of the private lives of celebrities in general and sporting celebrities in particular; the differences between tabloid and broadsheet coverage in print and online; their experience, if they had any, of interviewing celebrities; their views on the Australian Law Reform Commission's proposal for a privacy tort for serious breaches of personal privacy; their views on the impact on privacy intrusion of the 24/7 news cycle and social

media platforms such as Facebook and Twitter; and their reaction to stories about the private lives of Warne and Clarke. The final question sought the interviewees' reaction to a seven-level 'invasion of privacy' scale devised by the researcher and where they would 'draw the line' and not publish material from any of the categories that followed.

The three groups – the working journalists, the journalism academics / ethicists and the former cricketer-turned-commentator – differed in their reactions to the various key questions, and the interviews were tailored 'on the run' in accordance with the 'journalism as a research method' methodology. When an interviewee offered a particular insight, that aspect was explored further before continuing on to the next topic area. Some subsidiary questions in the questionnaire were not asked because the interviewee had already covered the area in a previous response.

All but the interview with Paul Chadwick were undertaken in late 2011. Because some of the original concepts on privacy invasion (The Taxonomy of Fame) expounded by Chadwick were central to the theoretical framework of this research, it was decided to delay interviewing him until themes had emerged from the other interviews that could be further explored with him. Chadwick was interviewed in Sydney in late 2012, in his last weeks with the ABC, before he took up a position with *Guardian Online* (Australia).

***The state of the media at the time:***

The seven 2011 interviews took place after the *News of the World* scandal broke in July of that year, and in the wake of its on-going damning revelations that led first to the Sunday tabloid's closure, followed by arrests of journalists, private investigators and police and to the setting up of the Leveson Inquiry into the *Culture, practice and ethics of the press* in the United Kingdom (Leveson, 2012). Reaction to the *NoW* revelations in Australia saw the federal government establish the Finkelstein Inquiry into the print media and announce it

was considering the Australian Law Reform Commission's proposal for a tort for Serious Invasion of Privacy (*For Your Information: Australian Privacy Law and Practice*, 2008). The federal government released an issues paper in September 2011 ("A Commonwealth Statutory Cause of Action for Serious Invasion of Privacy," 2011) and at the time of the Chadwick interview, the Labor government's legislative response to it, and that of the Finkelstein Inquiry (Finkelstein & Ricketson, 2012) and the Convergence Review (Boreham et al., 2012) had not been introduced into the federal parliament. As mentioned earlier, the media regulation legislation failed in federal parliament in March, 2013, and when he introduced the proposed legislation, the then-Minister for Communication, Stephen Conroy, announced that the privacy invasion tort proposal would be returned to the ALRC for 'detailed examination' (Conroy, 2013).

***The differences in coverage:***

The second research question sought to explain any differences that were found in the coverage of the private lives of the five cricketers explored in chapters 6 – 10 (Research Question one). Many of the interviewees' answers confirmed what the researcher and his co-author Martin Hirst (Hirst & Patching, 2005, 2007; Patching & Hirst, 2014) have characterised as 'fault lines' in media ethics. As outlined earlier, the authors use the concept of a fault line – like those on which cities that suffer from earthquakes lie – to explain the sometimes small, other times large, differences of opinion on ethical issues among journalists. There are minor differences of opinion that are resolved among the journalists and their superiors. Then there are other ethical differences that shake the ethical foundations of the newspaper concerned, like the *News of the World* scandal, and the earlier scandal involving serial plagiarist and fabricator, Jason Blair, and *The New York*

*Times* ("Correcting the record: Times reporter who resigned leaves long trail of deception," 2003).

Several questions asked of the eight media / ethics / sport experts sought to answer the second research question. They included their opinions on the coverage of celebrities in general, their experience (if they had any) of interviewing celebrities and what they thought of the coverage of the private lives of Warne and Clarke in the first decade of the 21<sup>st</sup> century.

There was some agreement among the various interviewees on key aspects of privacy, and what it meant for the reporting of celebrities. There was more agreement about the media's often intrusive coverage of celebrities and whether the celebrities deserved the coverage they got. The idea that intrusion into privacy is the 'price of fame' is a central plank of Chadwick's Taxonomy of Fame (Chadwick, 2003).

***Media coverage of celebrities' private lives:***

The experts were critical of the modern-day media coverage of celebrities' private lives. Day (2011a) was dismissive of the mainstream media's approach:

There is too much of it and it is irrelevant and quite meaningless to the greater issues in life.

Hirst (2011) said there were more important things going on in the world than reporting on the lives of celebrities and Tanner (2011) was even more critical:

It is badly covered. I think the media feels that once someone becomes a celebrity they become fair game and I sometimes think the media doesn't think about the consequences of the reporting they do.

Richards (2011) was equally critical, saying he believed the media covered the private lives of celebrities in far too much detail:

It is unrestricted and intrusive. Notions of privacy have virtually gone out the window. I think it is reported in extremely explicit, graphic detail and in ways that pander to the lowest common denominator.

Cricketer-turned-commentator, Damien Fleming (2011), said he had been ‘frustrated by the negative press when the Australian (cricket) team were dominating’ (at the time of the interview). Fleming said he used Twitter to combat negativity.

Even now I get misquoted in articles, even by my own employers. With Twitter I can control what I say. With Twitter they are my words. You are not always right, but at least they are your words (Fleming, 2011).

*The Age’s* Paul Ramadge (2011) also saw the treatment of celebrities by journalists as partly a product of the modern communication environment and in particular, social media:

I think there is an increasing preoccupation with celebrities, driven in part by the nature of change in the media, the introduction of social media, the omnipotence of online, the bloggers, the very niche-based sites and products that actually deal with celebrities (Ramadge, 2011).

### ***Do they deserve the media treatment they get?***

Most interviewees believed celebrities deserved the media treatment they received.

Richards (2011) had a straight-forward response – ‘if you live by the sword, you die by the sword’. Day, too, had a similar reaction to celebrities who complained:

If you make a fortune from a public role, be prepared for the public to be interested in who you are and what you do (Day, 2011a).

Tanner (2011) thought celebrities often deserved the treatment they received from the media because they openly sought media publicity adding that 'some court the media because if they didn't they wouldn't have a reason for their very existence' (Tanner, 2011).

Chadwick (2012) had a similar view:

(I)f you hold yourself out for the benefits that come from exposure ... you have to cop the scrutiny about your flaws (Chadwick, 2012).

Ramadge (2011) said celebrities needed to be prepared for the 'price of fame':

(T)hey need to know they can expect a much higher focus on them than ever before. It's not about what they deserve, it's about a recognition that that's the world we live in (Ramadge, 2011).

Hirst (2011) agreed that publicity – good and bad – was the price the celebrities paid for their fame. Because they made their money out of their exposure, on a movie screen or on a sporting arena, he believed they were fair game:

But having said that, most of what they get pinged for in the media is trivial (Hirst, 2011).

But that general view was not shared by Oakham (2011). She argued that some sports scandals reported in Melbourne were of genuine public interest:

We do look at money issues. Corruption issues. We have sex and drugs. Violence against women. I think all of those stories have a genuine public interest element to them, so I don't think they are being covered as sports celebrity stories (Oakham, 2011).

Fleming was interviewed because he was in the unique position to offer a perspective 'from the inside', having been a compatriot of both Warne and Clarke in his playing days. He felt they should be prepared to take the bad with the good:

The more you seek publicity and get paid for it, the more vulnerable you are to the 'other side' of it and you have to cop that (Fleming, 2011).

***Differences in tabloid and broadsheet content:***

The working journalists (Day, Ramadge and Chadwick) and the journalists-turned-ethics-academics (Hirst, Richards, Tanner and Oakham) saw no major difference between the content of broadsheet and tabloid newspapers in their coverage of celebrities.

Oakham (2011) said : '*The Age* has as much tabloid coverage in it on certain days as ... the *Herald Sun*' (Oakham, 2011). Richards (2011) felt the *The Age* and *The Sydney Morning Herald* 'aren't the serious broadsheets they once were'.

At the time of the interview Hirst (2011) had only recently returned from several years teaching in New Zealand. He felt there was no real distinction between tabloids and broadsheets there. He said the broadsheets were being forced down the track of celebrity news and gossip by declining circulations and readerships.

They talk about the 'race to the bottom' by newspapers, and you could say the 'celebrification' of the news agenda in serious newspapers is part of that race to the bottom (Hirst, 2011).

He added that Editors will say that they are only giving their readers what they want, 'but I think you'll find they (the readers) don't want the International Page dominated by heiresses and movie goddesses' (Hirst, 2011).

Tanner (2011) thought the comparison needed to be extended to include a third area – broadsheets compared to tabloids and magazines. He believed that people were turning to magazines to get information and, 'almost anything goes as far as magazines are concerned' (Tanner, 2011).

Ramadge (2011) cited what he called the 'web invasion' to justify changes in *The Age's* approach to celebrity news. He said the challenge for the broadsheets like *The Age* was 'how to represent in our journalism a deep understanding of the nature of information and what we would like our readers to know about' (Ramadge, 2011).

Day (2011a) agreed that there used to be a greater distinction between tabloid and broadsheet coverage than there is now, adding: 'The art for the broadsheets is to do it (celebrity reporting) in such a way that it doesn't appear to be gratuitous' (Day, 2011a).

The journalists and journalism academics were in general agreement when it came to an ancillary question on whether they saw similarities in the way the online sites for tabloids and broadsheets covered celebrity stories.

Oakham (2011) saw no difference:

'I don't think it matters what you do, it's tabloid, there is no longer a demarcation point between the up-market and the lower market (in terms of what is posted online)' (Oakham, 2011).

Richards (2011) offered a different reason for the similarity in content:

The people who do it tend to be much younger, with massive online capacities. They've grown up in social media and I think privacy has a much different meaning to Gen Y than it does to the rest of us, because they put it on Facebook, they put it up everywhere, they bare their souls (I. Richards, 2011).

Tanner (2011) raised his concern that media organisations seemed to adopt different standards between their print and online versions of stories. 'They feel that they can get away with more online than they can in print' (Tanner, 2011).

I think they are still relying on the old standards which they tend to use very selectively anyway, the various Codes of Conduct or Statements of Principles. They'll often use them if it suits their purpose and ignore them if it doesn't (Tanner, 2011). Ramadge saw his online audience as 'snacking'—'they're after quick bites, little bit of this, little bit of that, like an update on sport, an update on share prices, oh, and what's happening with celebrities? He blamed the audience for the perceived similarities:

I think celebrity is playing with that audience in a bigger way in the online space than it is in the traditional broadsheet media (Ramadge, 2011).

***Was anything considered 'too private':***

Some of the journalists and academics could draw on experience with celebrity reporting, providing examples of where they considered the media had gone 'too far' in their reporting of the individual's private life.

Day (2011a) cited the media's treatment of Madeleine Pulver – the teenage girl at the centre of an extortion attempt a few months before his interview in 2011. She spent hours with what was purported to be a bomb around her neck (Kwek, 2011). The media's behaviour re-ignited the privacy debate at the time after outlets published photos of the teenager taken from social media sites (Christensen, 2011). Day (2011s) didn't agree she deserved privacy after the bomb hoax:

People were saying leave her alone, she deserves her privacy. Well, no, she doesn't. She is involved, like it or not, in a most intriguing case of international crime. She is collateral damage, but you can't tell me you can't cover the story because you might be writing about her. The media have a thoroughly legitimate reason to go there (Day, 2011a).

Richards (2011) was critical of the media's handling of Miss Pulver:

The (media) scrum was outside her house day after day after day. I mean the poor girl, (at one stage) she was just coming out of her house to play hockey or something and the behaviour (of the media) was ridiculous. I felt very sorry for the girl, and for her parents (I. Richards, 2011).

Chadwick (2012) agreed. He said he was surprised 'at the extent to which she was door-stopped for quite some time afterwards' given it was 'a pretty serious event for that girl' (2012).

Ramadge (2011) used the example of the so-called Bali Boy, a New South Wales 14-year-old sentenced to two months' jail after being caught buying a small quantity of drugs on a Bali beach just before the Melbourne interviews (Cuneo, 2011).

He said everyone deserved a level of privacy about matters concerning family relationships 'particularly when minors are involved I think that deserves a high level of circumspection from journalists' (Ramadge, 2011). The former *Age* editor said that his paper had not named the boy, although he had been named in tabloid newspapers, and as a result his name was available everywhere. He said his newspaper made the decision not to name the boy (Ramadge, 2011):

If you name a minor in a case, who has arguably become a celebrity, how do you make decisions in future about minors and their rights and their privacy and how, arguably, it is quite wrong to 'out' them like that when they are just children and teenagers going through difficult times and potentially what you do will really scar them at a time when they will be more mature (Ramadge, 2011).

Asked if he thought it was any different for sports personalities, Ramadge said sportspeople were often, but not universally, in that bracket of people where they create themselves as brands, 'like Brand Shane Warne or Brand Cadel Evans' (Ramadge, 2011).

How I qualify that is that those who go and seek celebrity, those who leverage all aspects of it, particularly in social media and blogging and a website, they put their own photos up and what have you, (they) need to have quite an awareness that it is likely to lead to the potential for some uncomfortableness about their privacy (Ramadge, 2011).

Tanner likened the public's expectations of politicians with those of sporting celebrities:

Perhaps we expect less, and wait for them to provide less, and when they do provide less, they become fair game. It's the lowest common denominator at play (Tanner, 2011).

Tanner thought, for instance, that the media went too far in the coverage of Tiger Woods' extra-marital affairs.

At the end of the day he did the damage; he paid the price. But what role did the media play in actually taking him down to the extent that they took him down? We love to chop the feet out from underneath successful people and I think we need to re-think that policy as journalists and as journalism educators (Tanner, 2011).

Hirst's example (2011) involved a politician – the media treatment of the gay New South Wales politician, David Campbell, another incident that raised privacy issues at the time (McDonald, 2010).

If you are a politician, the argument is that you are fair game – well, is it directly relevant to your political policies? He was 'outed' in a nasty sting operation by one of the TV networks and was forced to resign. I think it was one of the low points in

Australian celebrity journalism. How important is it in terms of real public interest as opposed to what the public is interested in? (Hirst, 2011).

When it came to sporting personalities' marital indiscretions Hirst (2011) thought it was 'between you and your confessor' (2011). But he did approve of the reporting of scandals like the Canterbury Bulldogs (Sydney rugby league team) sex scandal of 2002 which was exposed by the ABC's Four Corners five years later (Ferguson, 2007).

I think the public interest bar has been met in things like that because it exposes a sexist culture within the sport that needs to be stamped out (Hirst, 2011).

Richards (2011) said for some journalists, nothing was too private: 'At the worst end you have people who have no qualms about going through the garbage and that sort of thing' (I. Richards, 2011). But he added:

I don't want to give the impression that that's common. A lot of journalists are quite restrained. A lot are quite shocked at what is written by their colleagues (I. Richards, 2011).

Oakham (2011) had a variation on Richards' 'live by the sword' comment cited earlier about who and what was 'fair game':

I'm of the old "Lady Di School" that says that if you live by the media, play the media, exploit the media, then you have to die by the media (Oakham, 2011).

Chadwick (2012) said the 2012 incident of the French magazine publishing topless photos of the Duchess of Cambridge (English, Stevens, Robinson, & Bond, 2012) had led him to decide to re-think his Taxonomy of Fame:

I took it as read that their intimate privacy, or their body privacy, was understood by everyone to be the private zone of every human being on the grounds of really basic human rights, but now I feel I may have to elaborate that (Chadwick, 2012).

***Stories about Warne and Clarke:***

Because two of the six cricketers central to this thesis – Warne and Clarke – were well known to all those interviewed, the interviewees were asked their reaction to the coverage of their private lives. Most felt that Clarke had learned from the very public ‘private life’ he had throughout his relationship with Bingle, and several noted that he appeared (at the time of their interviews in 2011) to be shielding his then current girlfriend (later to become his wife), Kyly Boldy, from the media’s gaze. There was little sympathy for Warne.

Discussion of his private life emerged as a ‘classic example’ of how not to avoid publicity.

Fleming (2011) , who played alongside the spinner at the height of his career, believed the problem for Warne was that he is ‘too big’.

It is almost like it is open season on Warney. He helped create the monster because he wanted it and he had a great time for a while. Even if he swore off the media, if he swore off Twitter, they’d make up stories about him anyhow. He’s become too big (Fleming, 2011).

Others interviewees were less generous. Richards (2011) described Warne as a clown:

It is one of those dreadful contradictions of history that he just doesn’t care (I. Richards, 2011).

On the other hand Richards felt Clarke was someone who had learned through experience how to control the media. Day said he 'couldn't give a bugger' about Warne or Clarke:

But I can see that A: people would be interested in who they are 'on with' now, and B: Warney seems to go out of his way to court this kind of stuff, and if you are going to do that sort of stuff, you're fair game (Day, 2011a).

He used a variation of an oft-quoted media justification for intrusion: 'You trade your right to privacy in pursuit of your fame' (Day, 2011a).

Hirst (2011) said he had lost interest in Warne years ago:

He's one of the few people that I think deserves what he gets. What's Warney got going for him now that he's not playing cricket for Australia anymore? Basically, he's a buccaneer, mercenary cricketer playing for money (Hirst, 2011).

At the time of the interview Warne was still playing in the lucrative Indian Premier League and for one of the Melbourne 'Big Bash' T20 franchises. At the end of the research period Warne was an accomplished cricket commentator and spent much of his time in the organisational aspects of his charity, The Shane Warne Foundation, which raises funds to help seriously ill and underprivileged children and teenagers in Australia ([www.tswf.com.au](http://www.tswf.com.au)). Since its establishment in 2004, the charity has raised more than \$4 million ("The Shane Warne Foundation," 2013).

Hirst (2011) described Warne as a good example of the celebrity trivia that he saw as dominating much of the tabloid print media. He said he thought Clarke should be allowed to have a girlfriend and for there to be a breakup in their engagement without it having to be in the news:

This has got nothing to do with his ability as a cricketer. It is just salacious ... and it sells newspapers (Hirst, 2011).

But he drew the line at selling your story to the tabloids or gossip magazines, like it has been suggested Lara Bingle has done from time to time (J. Marshall, 2012):

If you take that step, of actively engaging in that type of behaviour for a material gain, and it comes unstuck, tough luck (Hirst, 2011).

Oakham (2011) saw it more broadly – ‘How can you claim privacy when you’ve got Shane Warne tweeting his engagement?’:

People like Shane Warne are the ones that use this incredible access (through Twitter) so much, and they use it to their advantage, they then can’t turn around and say, “no, this is off limits” (Oakham, 2011).

But she did concede that ‘Shane Warne and Liz Hurley together by any stretch is a good yarn’, and added that she didn’t think there would ever be a time when he was not of interest to the media:

He’s iconic. It’s Warney, the Aussie. There’s always going to be stories about Warney (Oakham, 2011).

Warne and Hurley had announced their engagement earlier in the month of the Melbourne interviews. Tanner (2011) sought to distinguish the so-called bedroom antics of Warne from what he considered more serious off-field antics, like drug-taking by AFL or NRL players. He also thought the amount of coverage Warne received should depend on his status at the time. He saw a difference between if he had been captaining the Australian team at the

time of the indiscretion used in the case study, versus when he was simply a member of the team, or vying for selection. Asked specifically about his reaction to stories about the private life of the two cricketers he said he thought there was nothing about Warne that was off limits:

I think he would shrivel up and die if he didn't have the media (Tanner, 2011).

Tanner said Clarke had 'drawn a line in the sand' with the media.

Early in his relationship with Lara Bingle he courted the media because they saw some advantage in it, but I think he has learned from the experience (of the break-up) and I think the way in which he has shielded his current partner from the media suggests that he has drawn that line in the sand. So he is saying: 'I am the Australian cricket captain and I will deal with you as the Australian cricket captain, but outside of that I am Michael Clarke, private individual, so there's a no-go zone' (Tanner, 2011).

Chadwick (2012) cited the 1999 controversy over Warne being photographed smoking while being paid a reported \$200,000 by a nicotine-substitute manufacturer to abstain (McClure, 1999). He said Warne's hypocrisy justified his exposure:

(H)e is trading off the fact that young people who might admire him, and try to emulate his lifestyle, are having him promoted as the 'no smoking model' and the guy is smoking (Chadwick, 2012).

### ***Changed media practices:***

The third research question sought to gauge the influences of new technologies – like the Internet and the 24/7 news cycle, and the social media that the Internet spawned, such as Facebook and Twitter – were having on the coverage of the private lives of sports celebrities. The issue was divided into sections to cover the various areas. The interviewees were asked separately about the impact of the leading social media outlets, Facebook and Twitter, and how news in general, and celebrity news in particular, was covered by the mainstream print media.

On the effects of the 24-hour TV news channels, most agreed it meant that print media were seldom first with the news nowadays, unless it was their own investigative reporting. Day (2011a), like several others, said that newspapers had been forced by the abundance of news on the TV channels and the Internet to become more analytical about events, rather than trying to be first with the news.

Then there is the kind of news that's gold to journalists and the news media, and that's the kind of news that you ferret out from people who don't want you to know about it. And newspapers are still able to break that sort of news and its breathtaking and 'wow' for a millisecond until it is everywhere (as) breaking news (Day, 2011a).

Day saw the only role left for newspapers as comment and analysis, telling their audience what it means as best they can – 'some do it very well, and some don't'. Asked if he thought the 24/7 news cycle had changed the business model for the media, Day said:

Unquestionably, yes. For the better? No. But that's a value judgment. Whether or not the mainstream publishers can make a quid out of the electronic era, that's a work in progress. But they are trying (Day, 2011a).

Tanner (2011) saw the impact of the 24-hour news channels as having had a 'very serious impact' and believed newspapers had struggled since its introduction because they no longer set the news agenda. He saw the agenda as being increasingly set by television and radio and newspapers have found they have to respond by using their online publications to break stories.

For Hirst (2011), one problem of 24-hour TV news is that it is highly-repetitive. He said a viewer can see a story on the ABC at 7.30 in the morning, and it will be repeated in the main 7pm bulletin. Another problem, as he saw it, was that instead of being analytical, the papers have become 'more opinionated'. He cited *The Australian* where he said on a daily basis staff writers like Greg Sheridan, Dennis Shanahan and Paul Kelly are on the front page giving their opinions, not on what has happened, but giving their opinions on the impact of events.

Ramadge thought the media – and the sporting personalities – needed to take some of the blame for the coverage celebrities received, not only in the media, but also through social media:

Are we, and are celebrities and sporting stars too blind, too ignorant, of the great risk of technology and the mass communication era that we're in? Arguably, the answer to that would be "yes". I think a bit more guarded behaviour by people involved in sport, knowing that they are a celebrity, would not be a bad thing (Ramadge, 2011).

Oakham (2011) said the immediacy of round-the-clock news and the Internet now drives the news agenda. And, Richards (2011) likened the 24/7 news cycle to 'feeding the beast': the 'beast' in this context being the public's demand to know the latest about anything and everything. He said journalists are under constant pressure to get material 'into the system'. He suggested that reporting on celebrities was easier than writing serious news:

It is much easier to write that stuff than it is to write about Afghanistan. If you can get a shot of a celebrity spilling a bowl of soup down their neck, they'll say "oh, that's good" and they will be all over it (I. Richards, 2011).

Ramadge (2011) combined his thoughts on the impact of the all-news channels and the Internet. He called it the '24/7 news churn' and said most people nowadays, as quoted earlier, were 'snacking', partly on what was happening to celebrities.

Tanner (2011) was concerned about the way stories are reported on the Internet and the reader-response that this allowed, based on limited information:

A lot of the stories that come up on the Web are superficial, and there isn't as much thought going into the preparation of those stories as there is into the print media versions that follow (Tanner, 2011).

He gave a personal anecdote about his wife, Kath, who was seriously injured in a road accident near London. The media had written a responsible report about the accident and invited the public to comment on their websites. Tanner said there were a mass of comments, very few about the accident, but the majority about how people had been late home for dinner, or 'how dare the police close the road for six or seven hours' and 'how can they justify that because no-one had died?'

The fact that someone's life had been turned on its head, that they were fighting for their life, was not sufficient for this person (Tanner, 2011).

His concern was that by encouraging reader input, the media was encouraging trivialisation of the issues:

I think that you see a lot (of trivialisation) in sports reports and in coverage of sports people, and of incidents involving other celebrities, and incidents involving just ordinary people (Tanner, 2011).

Fame, Tanner said, can be good and it can be bad – 'for the majority of people, sadly, it is bad'.

Hirst (2011) highlighted the 'sheer economic impact of free news over the Web' and how media organisations were still trying to work out how to make money from it. The other major impact he saw was that there was no deadline for news any more and the problems posed by speed on accuracy.

### ***The impact of Facebook and Twitter:***

Two of the cricketers involved in this research – Warne (initially @warne888, more recently @ShaneWarne), and current national captain Clarke (@MClarke23) – are both frequent users of Twitter. Warne is the most prolific, often tweeting more than a dozen times a day with sometimes frivolous questions or jokes, to circulate the latest photo of his children or the latest news on his charitable foundation. Clarke usually restricts his tweets to comments relating to current sports results, personalities or issues, sometimes going days (when the national team is not playing in a series) without communicating with his 'followers'.

All the interviewees conceded that social media was having a serious impact on journalism in general, and on the reporting of celebrities in particular.

For Ramadge, the impact was clear:

Stories are emanating away from traditional newsrooms through social media, in particular, through Facebook and Twitter. They start there, somebody comments, and then maybe that gets more traction because somebody who is notable comments, and so a momentum builds around it in a way that certainly didn't happen a decade ago (Ramadge, 2011).

Rather than social media and the Internet spelling the death knell for the print media in particular, Ramadge sees journalism now as having to be more sophisticated:

It needs to help people make sense of their very busy lives, and that includes how stories are emanating, how they are playing, and what they mean (Ramadge, 2011).

In the case of *The Age*, it had led the paper to investing more in their investigative team. Day (2011a) said what started as a way to keep people in families or communities in touch with each other, Facebook 'is now almost a mainstream method of disseminating information, opinion, advertising, sales and pictures'. And while he saw the benefits of Twitter in spreading breaking news, he could not understand why people would want to know 'that I'm sitting in the "Four Pines" in Manly having a not-very-nice pale ale' (Day, 2011a).

One of the major ethical issues for Hirst with Facebook was how the media was 'blatantly ripping people off on Facebook in terms of invading their privacy' (2011). The media contends that Facebook is public so 'I can reach into your Facebook page and take whatever

I like and re-publish it' (Hirst, 2011). And his warning to those who use Twitter was simple: 'be careful what you tweet because you can't take it back' (Hirst, 2011). Richards (2011), too, believed that social media had changed the media because they provided instant news. He said some journalists now believe it is more important to be first than to be accurate. 'I couldn't give a stuff where I heard it first, and probably couldn't remember, anyway', he added (I. Richards, 2011). Oakham (2011) saw social media as 'the driver of the media' in the sense that the media no longer drives the news agenda, social media does. Former Australian fast bowler Damien Fleming is also a prolific user of Twitter (@bowlologist). But as cited earlier in this chapter, he uses it to his own advantage, knowing it is his words that are being circulated, not a journalist's interpretation of what he said. He also uses Twitter to publicise his latest business ventures. In 2013 that was his book, *Bowlology* (Fleming, 2013).

***The privacy debate:***

Nowhere was the divide in opinion more evident than in the interviewees' reactions when they were asked to consider the researcher's seven levels of privacy intrusion. These are outlined in Table 11:1 (below).

Each interviewee was given a copy of the researcher's privacy levels and asked to nominate what they thought was acceptable for mainstream media coverage and what was either unacceptable ethically, or too intrusive; in other words, where would they draw their ethical line. In summary, the seven levels involved stories about on-field indiscretions; mild off-field antics; when the public is invited into the private life of the sports personality; if a relative of some well-known personality was in the news; private information of the gossip category;

‘kiss and tell’ stories and stories in gossip magazines that were clearly made up. Examples were given for each category as shown in Table 11:1 (above).

Level	Examples
1	<b>On-field indiscretions.</b> Examples: Miller stepping out of the way to be bowled; Chappell’s under-arm incident; Clarke standing his ground when obviously caught.
2	<b>Mild off-field antics:</b> Examples: Bradman’s stockbroking firm that sponsored his playing for SA going broke; Miller being popular with the girls; Chappell selling Bradman letters; Warne smoking incident; Clarke’s birthday party.
3	<b>Where the public is invited into their private life.</b> Examples: An interview on Oprah; rugby league player Ian Roberts ‘outing himself’ – where sports people have deliberately chosen to put their private life on the public agenda.
4	<b>The relative of a famous person is in court.</b> Examples: It could be The Prime Minister’s brother, or a media person’s nephew. The celebrity factor makes it news. Where the coverage is affected by the involvement of the celebrity (or sports star).
5	<b>Private lives in the gossip category.</b> Examples: The suggestion of sexual misbehaviour in the speculation category. Miller and Princess Margaret. Warne and the topless girls in his hotel room.
6	<b>Voyeuristic ‘kiss and tell’ stories.</b> Examples: Beckham. Chappell. A recent super-injunction case where the English soccer star took out an injunction to stop a paper buying a reality-TV star’s story of their affair.
7	<b>National Inquirer / New Idea stories of malicious falsehood :</b> Examples: They are wrong and the media outlet apparently doesn’t care. Lleyton Hewitt and <i>New Idea</i> and the new man in his wife’s life, ending up being her brother. Is it negligent ignorance, as opposed to writing something they know is wrong, and not caring?

**Table 11:1: The researcher’s seven levels of intrusion.**

Table 11.2 (below) summarises where the interviewees would ‘draw the line’ on what should be published about the private lives of sporting personalities.

Talent:	Day	Ramadge	Tanner	Hirst	Richards	Oakham	Fleming
Level 1	√	√	√	√	√	√	√
Level 2	√	√	√	√	√	√	√
Level 3	√	√	√	√	√	√	√
Level 4	√	×	√	×	×	√	√
Level 5	√	×	×	×	×	√	×
Level 6	√	×	×	×	×	√	×
Level 7	×	×	×	×	×	×	×

**Table 11.2: Summary of interviewees’ answers to the seven-level privacy scale. A tick indicates that the interviewee finds that level acceptable, a cross signifies the level is unacceptable.**

Not surprisingly, the two interviewees with the longest associations with tabloid journalism, former publisher of the Melbourne *Truth*, newspaper editor, broadcaster and long-time media commentator with *The Australian*, Mark Day, and RMIT University journalism lecturer, Mandy Oakham, who spent much of her reporting career (before entering academia) working for tabloid newspapers, considered anything except fabrication acceptable, particularly in celebrity coverage. In other words, they ‘drew the line’ at six on the seven-step scale.

It was surprising, though, that the then-Editor of the Melbourne then-broadsheet, *The Age*, Paul Ramadge, drew the line at the lowest level of those interviewed – level three. In other words, he would only accept stories for *The Age* involving on-field indiscretions, mild off-field indiscretions, and when the media was invited into the life of the sporting personality. He considered the other four categories unacceptable. What was equally surprising was that former journalists, now journalism lecturers and ethics authors, Martin Hirst and Ian Richards, also chose to limit reporting to level three.

As mentioned earlier, Damien Fleming was chosen for interview because he offered a perspective none of the other seven could provide – the view from ‘the other side’. As a celebrity, albeit a reluctant one, he had to contend with the potential for privacy intrusion as the ‘price’ for being part of Australia’s national cricket team. He said he had stories written about his private life during his cricketing career, but none he classified as ‘intrusive’. He had, however, been in the Australian team at times when Warne was making news ‘off the playing field’. Fleming thought the first four categories, on-field and mild off-field indiscretions, where the personality invited the media into their life and coverage of the relative of a person in the news, were worthy of media attention. Day (2011a) used his

central thesis that ‘if you put your face up there, expect people to be interested’ to justify why he thought anything other than fabrication was acceptable. As a former tabloid newspaper proprietor – he owned and edited the Melbourne *Truth* when it published the ‘kiss-and-tell’ story involving Greg Chappell discussed in the third case study – Day had a different view on stories in that category. He said that while many people criticise ‘kiss-and-tell’ stories, ‘equally a lot of the participants have made a lot of money by selling them’. He said it was not all one-sided. Some of the subjects of the revelations were complicit in the process ‘and that kind of acceptance of the processes normally comes with a large cheque’.

So don’t weep for people who are exposed through ‘kiss and tell’ stories, nine times out of 10 they pocket the money and run (Day, 2011a).

The issue of participants being paid for paparazzi photos arose in June, 2012, when Sydney’s *Sunday Telegraph* reported that celebrities who complained about paparazzi intrusion were often working hand-in-hand with their stalkers (J. Marshall, 2012). Of interest to this thesis, and mentioned briefly earlier in the chapter, was *The Sunday Telegraph’s* mention of Lara Bingle (central to the final case study in chapter 10), as being one of the celebrities said to have taken money from at least one member of the paparazzi, her business partner, Darryn Lyons. For a photo shoot with supposed new love, English rugby player Danny Cipriani, the couple, who were to split soon after, were said to have received \$30,000 (J. Marshall, 2012). *The Sunday Telegraph* said celebrities were pocketing big sums of money for agreeing to pose for paparazzi-style pictures in deals that not only involve money, but also free overseas trips and ‘much-needed publicity for stars whose careers might be flagging’ (J. Marshall, 2012).

Ramadge (2011) said that at the time of the interview (October, 2010), *The Age* had two stories that would have rated front-page coverage in tabloid newspapers that they had decided not to pursue after consideration of the implications for the privacy of those involved. To explain how *The Age* covered such stories, he cited the story of federal Labor politician Bill Shorten some years ago dating Chloe Bryce, the daughter of the then Australian Governor General, Quentin Bryce. He said it became public, then a talking point, so then it was a matter of how it would be handled – ‘how you write it, what sort of tone, what sort of respect for privacy is inherent in the piece’ (Ramadge, 2011). The couple married in 2009 and three years later Shorten, then the federal Workplace Relations Minister asserted that his private life and that of his family were ‘off limits’ to the media. One print media commentator disagreed, insisting that the families of politicians were fair game ‘because what they do in their private lives matters’ (O'Brien, 2012). It matters, Susie O'Brien said, because: ‘We pay their salaries and so have a right to know how they live when it influences how they do their job’ (2012). (Shorten became leader of the Labor Party after the 2013 federal election saw the party swept from power, and his mother-in-law retired as Governor-General in early 2014).

When it came to ‘kiss and tell’ stories, Ramadge said *The Age* was very cautious in their approach (2011). But he said that when a celebrity earned more money than most they had a higher risk of a privacy breach ‘and there could be higher consequences of (such) a privacy breach’ (2011).

Steve Tanner (2011), who, like Fleming ‘drew the line’ at level 4 said ‘kiss and tell’ stories annoyed him. He said the nature of the media nowadays was that you couldn’t avoid them:

I would love to see level six (kiss and tell) stories out because I just wonder what purpose they serve? (Tanner, 2011).

Martin Hirst (2011), as mentioned earlier, put the bar a little higher (at level 3), seeing no merit in covering a drug dealer's case simply because he's the nephew of a high profile media personality. He said that if it was something that might implicate the Prime Minister then 'yes', it was newsworthy, but in the case the researcher used to highlight this category, Ita Buttrose's nephew, the answer would be 'no'.

As far as the 'kiss and tell' category (level 6) was concerned, Hirst did not like those stories, either. He said the media needed to assess the motive of the source; would they elaborate or 'gild the lily' to make their story worth the money that might be being paid for it?

Another aspect that worried Hirst was what the paper was getting itself involved in by publishing such stories. He said in the case of the celebrities' private lives being what he termed 'cannon fodder' of gossip magazines (level 5), the line between truth and fiction was often very porous and sometimes impossible to tell:

In one magazine you get the denial of a story that is published on the very same day in a rival magazine (Hirst, 2011).

Oakham (2011) said she would rather have all the categories – with the exception of fabrication – 'up for grabs', rather than have a privacy law. She said it was a mistake to lump all the reporting together as 'celebrity coverage'. Much of that coverage, she said, was the reporting of tweets. 'It's not journalism,' Oakham said she tells her students: A tweet is a source, not a story (2011).

Richards said although individual decisions would depend on who is involved and what the intrusion was, he would draw the line at reporting on the relative of a famous person, if that was the major point to the story. In other words, he accepted stories up to level 3 (on-field indiscretions, mild off-field indiscretions and where the sporting personality invited the media into their life).

Fleming, who drew the line after level 4 (the celebrity's relative in court) quoted the advice of the CEO of Cricket Australia during his career:

James Sutherland said to us a couple of times: "Don't do anything you don't want your grandmother to read about in the morning paper" (Fleming, 2011).

Paul Chadwick, the co-architect of the Taxonomy of Fame theory used in this thesis declined to nominate which of the levels he considered 'acceptable' or 'unacceptable'. He said some of the categories raised simple questions of accuracy and fact-checking (Chadwick, 2012):

I'm not drawing the line on privacy grounds, I'm drawing the line on accuracy grounds (Chadwick, 2012).

But his rationale for the use of a story that would invade a celebrity's privacy suggested that he would only approve such stories that involved serious wrong-doing on the part of the celebrity. Once the truth of the reported situation had been established, Chadwick said he would then apply his 'Taxonomy' to decide what public interest there was in the story. He suggested, for instance, that if the proposed story was about a cricketer who was taking drugs – even in private – it should be exposed because it is illegal, and the person is a role model:

Of course, the public should know about (it) because first of all they (the public) are expected to respect them as a member of the Test Team, and secondly, it's right if the media can do it, to disclose criminal conduct or seriously improper conduct (Chadwick, 2012).

### ***A privacy tort?***

The interviewees varied widely in their opinions about the likelihood of the federal government introducing an Invasion of privacy tort. As mentioned earlier, the push for a tort for Serious Invasions of Privacy was referred back to the Australian Law Reform Commission in March, 2013, with a report expected in mid-2014 (Conroy, 2013). At the time of all the interviews it was still a possibility.

Tanner (2011) was the most positive. He thought the Australian Law Reform Commission's earlier proposal (*For Your Information: Australian Privacy Law and Practice*, 2008) was probably the correct approach. He believed that individuals 'deserve the right to set that fence between our private and public lives' (Tanner, 2011). On the argument that the media claims 'public interest' for what they publish, Tanner said journalists twist it:

There are good intentions about the concept of public interest, but as David Flint (former Chair of the Press Council and the Australian Broadcasting Authority) and a whole range of other commentators say, the media mangles it and suddenly what is of interest to the public becomes the public interest (Tanner, 2011).

He said if there was to be a privacy tort, there would need to be 'very clear definitions of what was "in the public interest"' (Tanner, 2011).

Oakham (2011) gave the proposal no chance. 'It's never going to happen', she said. She likened it to the threats to introduce such a tort in the United Kingdom in the wake of the death of Lady Diana in the late '90s. Once they tried to legislate for privacy, she said, they faced the double-barrelled problem: How do you define it and how do you enforce it? (Oakham, 2011). Richards agreed: 'Like all these things, in principle it is a good idea, and in practice it would be difficult to administer, but also be open to abuse' (2011). He, too, thought much of the debate centred on a definition of the public interest – 'but is that a legal term or an ethical term?' (I. Richards, 2011). Like Oakham, Richards believed journalists and academics alike could all come up with examples of outrageous invasions of individuals' privacy that everyone would oppose 'but how do you word that?' 'What mechanism do you set up to control it?' (I. Richards, 2011).

Day (2011a) thought it was 'probably the way we will go' but wanted to see a proposal before commenting further. He said there were no generally-understood rules about the boundaries in the invasion of privacy but he did not expect politicians to pull back from taking some action:

There was a knee-jerk reaction from the public (in the wake of the *News of the World* revelations) that the politicians responded to (Day, 2011a).

He conceded that there had been some serious invasions of privacy in Australia in recent years, citing in particular the case of the aforementioned New South Wales politician, David Campbell.

Hirst (2011) was in two minds about a privacy tort. He believed that such a law might protect 'ordinary people', like Madeleine Pulver:

If Joe Blow is involved in extraordinary circumstances and the media wants to invade their privacy, which is most commonly today done by just snatching stuff off Facebook, or they want to come around to your house and stand outside for three days because something tragic has happened to you or your family or whatever, it might protect people under those circumstances (Hirst, 2011).

He saw the counter argument from what he called 'sanctimonious editors' in illuminating and cleansing terms. Their argument, in Hirst's view, was:

We've got to be able to shine the spotlight of public disinfectant on those people in order to keep them honest (Hirst, 2011).

He cited what he saw as an abuse of the system in the super injunctions used to protect privacy in the United Kingdom – 'they were so super that we weren't even allowed to know about them'. He said it is a continuing debate, on which he has written (Hirst & Patching, 2005, 2007; Patching & Hirst, 2014), and there were grey areas around the issue and he was still making up his mind about how he felt about it (privacy in general, and the possibility of a privacy tort in particular) (Hirst, 2011).

Ramadge (2011) suggested that any attempt to introduce legislation, guidelines or rules would face the same challenges that editors and journalists face every day in deciding what is acceptable or not in publishing material, again referring to the impact of technology and social media on modern-day journalism:

(It) will struggle with the reality of the world in regard to technology (and) to social media. Who really make those decisions about what gets published and how it gets into the public domain? (Ramadge, 2011).

He believed that ‘heavy-handedness on privacy would run the risk of being somewhat of a farce because of the nature of technology’ (Ramadge, 2011). He did not believe that regulation would be imposed on the media. He was strongly on the side of self-regulation saying there are enough regulations in place in the courts, right through to the second-tier court system, to bodies like the Press Council and in direct responses in the Letters to the Editor and opinion pieces

He said this is how a healthy media operate in a healthy democracy:

If you don’t want a robust media with many voices and many variations, start imposing regulations, start imposing bans and start controlling, and I think the result would be much poorer for the public (Ramadge, 2011).

***Overview: Degrees of resignation:***

While the journalist and journalism educator interviewees were open and candid in their responses to the specific questions posed, at another level, there seemed to be a degree of resignation about the positions they espoused on a number of the trends in mainstream media discussed during the interviews. In relation to arguably the most important question in the context of this thesis – their responses to the proposed federal privacy tort – with the exception of Oakham and Ramadge who rejected the idea – the other journalists and journalism educators were resigned to the likelihood that the Law Reform Commission would recommend a privacy tort, and that it would be introduced by the federal government, and confined their comments to problems they saw associated with its implementation. While at the time of all the interviews (2011 and 2012) a Labor government was in power federally, and likely to be more sympathetic to a privacy tort, it

was widely expected to be thrown out of office in the 2013 election. [As it was]. The issue has since fallen off the agenda under the new Liberal-National Party led government.

While interviewees were critical about the rise of celebrity coverage in mainstream media – seen partly as a reaction to the challenges posed by the Internet, the 24/7 news cycle and social media – they offered no alternatives.

***Summary:***

This chapter reported the opinions of eight media, ethics and sporting experts on a range of areas associated with the print media's approach to the coverage of the private lives of celebrities in general, and sporting celebrities, in particular.

It sought to answer two of the research questions and one of the hypotheses of this thesis.

One of the research questions sought answers for the differences that emerged in the coverage of the private lives of the five cricketers examined in chapters 6 – 10. The other asked about the impact of the new technologies, like 24-hour news coverage and the Internet, Facebook and Twitter on the coverage of the private lives of sporting personalities. The hypothesis posited that the journalists, academics and the lone sporting personality would differ in how they saw the coverage of the private lives of sporting personalities in the Australian print media.

Most of the experts agreed that celebrity coverage was overdone in modern-day mainstream media. There was again fairly general agreement that celebrities deserved the media treatment they received. Most saw no real difference between the content of broadsheet and tabloid newspapers when it came to the coverage of celebrities. They generally agreed, too, that they saw similarities in the way the online sites for tabloids and broadsheets covered celebrity news. Opinions varied though, on whether there was

anything about a celebrity's private life that was 'off limits'. Their opinions varied, too, when asked their reaction to the Australian Law Reform Commission's proposal for a tort for Serious Invasions of Privacy. Opinions varied, too, on the effects of the 24-hour news cycle, the Internet, Facebook and Twitter on celebrity coverage. The final question involved each of the interviewees being asked to comment on a seven-point privacy scale devised by the researcher. The final level asked whether fictitious stories – often encountered in gossip magazines – had a place in modern media reporting. No-one thought fabricated stories should be published anywhere, but they varied about where they would 'draw the line' in reporting on the private lives of individuals.

In response to Research Question 2 asking what might account for the differences in coverage of the various case studies, the interviewees agreed that the 24-hour news cycle, the Internet, Facebook and Twitter had all helped to push traditional mainstream print media into reporting more celebrity news. Equally, the interviewees generally agreed that the new technologies had an influence on the way the private lives of celebrities in general, and sporting celebrities in particular, were being covered by mainstream print media. Their responses also confirmed the hypothesis that their opinions would differ on various questions.

## Chapter 12:

### Conclusion: The escalation of intrusion

#### *Introduction:*

This thesis, through a series of case studies and elite interviews, researched how Australian print media reporting of the private lives of cricket celebrities had changed from 1945 to 2010 and then sought expert explanation for the changes. It is important research because it took the unique step of combining the findings of the case studies with the opinions of eight elites in the fields of journalism, journalism education and ethics, and sports reporting while also presenting an overview of the evolution of journalism ethics, as far as privacy invasion is concerned, over that 65-year period. This concluding chapter will analyse the findings of the case studies of five cricketers, together with the elite interviews, that collectively answer the three research questions and three hypotheses articulated in chapter 1. Moreover, it will highlight the ramifications of the case study findings and the interviews for celebrity privacy in the 21<sup>st</sup> Century. It will show how the theoretical frameworks of agenda-setting, framing and Chadwick's Taxonomy of Fame, combined to demonstrate what the researcher calls 'the escalation of intrusion' by the print media into the private lives of sporting celebrities over the research period, and in particular in the first decade of the 21<sup>st</sup> Century. This chapter identifies major limitations that arose from the research, offers suggestions for further research and articulates the researcher's proposed alternative model for modern ethical decision-making.

### **Analysis:**

The primary research question sought to identify differences in the newspaper coverage of the private lives of five cricket stars between 1945 and 2010. As the discussion and Appendices in chapters 6 – 10 show, major differences emerged in the way each story was covered, the ‘play’ it was given in the paper – on what page, the size / length of the story and its headline, the approach to individual stories: whether they were ‘straight news’ stories, features, opinion / commentary pieces, editorials, letters to the editor, *vox pops*, and whether they were accompanied by an illustration, like a cartoon. The number of articles and illustrations published in each case study, along with the qualitative measures mentioned above, are important indicators of the relative importance afforded the incidents by the print media of the time. The huge amount of celebrity coverage in the two case studies in the first decade of the 21<sup>st</sup> Century, compared to the three case studies in the previous more than half-century, is simply illustrated by the individual story counts. Table 12:1 (below) shows the increase in coverage (limited in this table to news stories and opinion / commentary pieces) over the research period, from relatively little coverage – a few stories a day for the life of the story – in the first three case studies (Bradman, Miller and Chappell) to hundreds of newspaper stories and opinion / commentary pieces in the Warne and Clarke case studies. This numerical escalation in the modern era is shown even more graphically in Diagram 12:1, which charts the numbers of news and feature / opinion stories in the five case studies.

Newspaper / cricketer	Bradman	Miller	Chappell	Warne	Clarke
The Australian 1964 -	-	-	1	9	18
The Canberra Times 1926 -	0	1	1	3	3
The Courier Mail (Brisbane) 1846 -	0	1	2	14	28
The Argus (Melbourne) 1846 - 1957	2	3	-	-	-
Sun – News Pictorial (Melb) 1922 -1990	1	1	2	-	-
The (Melbourne) Herald 1840 - 1990	1	0	0	-	-
The News (Adelaide) 1869 - 1990	1	1	1	-	-
Daily Mirror (Sydney) 1941 - 1990	0	2	0	-	-
The Sun (Sydney) 1910 - 1988	0	1	-	-	-
The Sydney Morning Herald 1831 -	1	1	3	18	36
The Age (Melbourne) 1854 -	0	1	1	10	22
Daily Telegraph (Sydney) 1879 - 1990	0	2	2	-	-
The Daily Telegraph (Sydney) 1990 -	-	-	-	16	39
The Sun Herald (Melbourne) 1990 -	-	-	-	28	38
The Advertiser (Adelaide) 1858 -	3	2	3	6	19
<b>Totals</b>	<b>9</b>	<b>16</b>	<b>16</b>	<b>104</b>	<b>203</b>

Table 12:1 shows how many stories each newspaper researched for this thesis devoted to the five case study topics. A dash (-) signifies that the paper had either ceased publication or not begun publication at the time of the incident being researched.

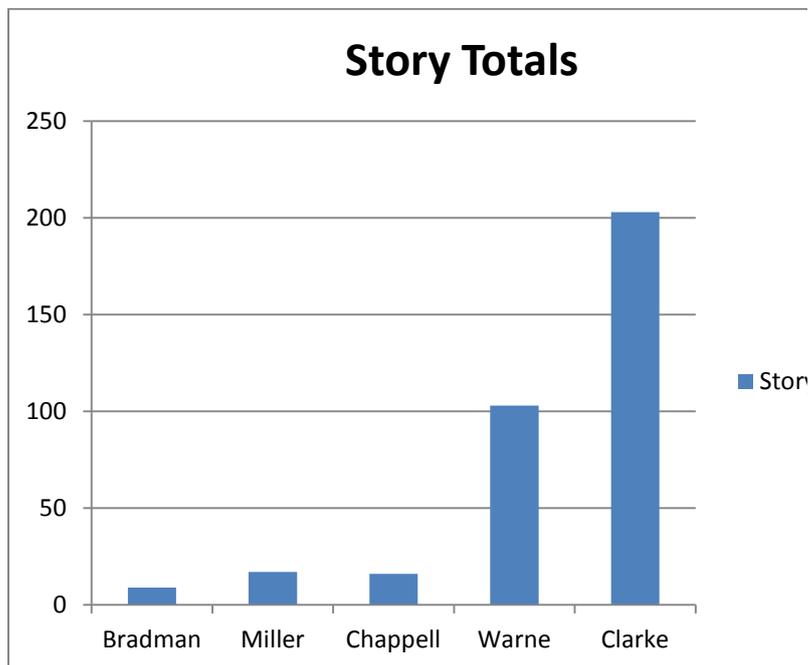


Diagram 12:1 illustrates the rapid escalation in print media stories about the private lives of sporting celebrities from 1945 – 2010 from less than 10 about the Bradman incident to more than 200 for the Clarke – Bingle break-up.

***Limitations in a simple story count:***

These results can be seen as indicative only. There are many reasons which limit comparisons between the five case studies and they are not intended to represent valid quantitative comparisons. Such limitations include, for example, the differing news agendas of the time. For instance, the Bradman incident took place in the final months of the Second World War, when media and public interest was much more focussed on that than a financial crisis in South Australia. In addition, news publications have changed – in the Bradman era newspapers were the principal source of news, compared with the multi-media platforms of today. Likewise, technology has altered the communication environment to such an extent that the simple volume of stories cannot be compared. A story count is only indicative of the importance of the story at the time of each case study, and, while some comparisons can be made, it is not being suggested that this is scientifically relevant. They do, nevertheless, indicate how the celebrity-sport focus in news reporting has changed dramatically over time.

The five case studies showed that coverage of celebrities in general by the print media had changed markedly over the 65-year span of the research. It also supported the first hypothesis that celebrity coverage had become more invasive over the research period by the length and depth of the opinion / commentary pieces in the final two case studies.

***Confirming the literature:***

The primary research in this thesis confirmed the key themes from the Literature Review (chapters 2 and 3). The depth and breadth of the coverage of the final two case studies (Warne and Clarke) showed the important role – as perceived by the media at the time – that sport plays in Australian culture (Harte & Whimpress, 2008; J. Hartley, 2002; B. Stewart et al., 2004; Turner, 2009) and confirmed the position of its star performers as popular

celebrities (Andrews & Jackson, 2001; Bell & Campbell, 1999; Rowe, 2006; Smart, 2007). It also bore testimony to the media's ongoing 'addiction to celebrity' news (Schultz, 2004; Turner, 2009; Turner et al., 2000) and in particular news about the private lives of sporting celebrities (Andrews & Jackson, 2001; Nalapat & Parker, 2005). The case studies and the interviewees also confirmed the contention in the literature review that sports stars are seen by the media and the public as role models (Lines, 2001; Patching, 2005; Sutcliffe & Heads, 2009), 'tall poppies' (Everitt, 2004; Feather, 1996; Peeters, 2004) for whom the loss of privacy is the price they pay for their fame (Rockwell, 2004; Rockwell & Giles, 2009)

***Agenda Setting and framing:***

The case study research also demonstrated that the agenda setting and framing in the print coverage of the chosen incidents changed in the style, depth and approach to celebrity reporting over the research period. Warne and Clarke set the media agenda at the time of their researched incidents, and Miller did, too, but to a lesser extent. Media framing has changed in a major way since World War 11. Celebrity was not a major issue in the 1940s. Bradman was only mentioned in the latter part of most stories, and then almost only in passing. Nowadays celebrity coverage is much of what passes for news in mainstream media. The major change over the 65 years has been this greater focus on celebrity news. For instance, all stories on Bradman's involvement in the South Australian financial scandal were covered as brief, 'straight' news, with no feature stories or commentary, editorials or cartoons, and no attempt to frame Australia's best-known cricketer as being involved in the scandal aside from working for the collapsed company. Coverage of Keith Miller's popularity in Britain during the 1956 Ashes tour and the Mountbattens' dinner party was very different. Most of the newspapers publishing at the time ran stories in the week before the Mountbattens' dinner party variously framing Miller as a 'dreamboy' (Zec,

1956a), a 'Casanova' ("Casanova' Keith bowls 'em over," 1956), and writing about how popular the 'lady-killer' (Zec, 1956a) was with young women ("Keith Mobbed: Girls rush new idol," 1956). Using cricketing terminology with double meanings and innuendo, the stories framed Miller as a womaniser – a view widely acknowledged after his death ("Golden memories of Aussie 'Nugget' ", 2004; Hinds, 2004). Half of the 16 stories on Miller appeared on page one, including five of the six about his Saturday night in the company of Princess Margaret, making the cricketer a major player in the print news agenda of the time. The lengthy 'colour' stories demonstrated the increasing interest the print media was showing in celebrities' private lives. The champion Australian all-rounder was consistently being framed as, 'playing away from home', in other words, cheating on his wife. It was the beginning of the development of what the researcher has called 'the escalation of intrusion'.

***The rise and rise of celebrity coverage:***

By the time of the Chappell case study in 1988, the interest in celebrity sportspeople had extended to years after they had retired from the international arena of their chosen sport and was showing no signs of plateauing. The longer stories were much longer than those about Bradman, and contained more detail than those about Miller. Because the incident in part concerned a supposedly-pending defamation case, the papers avoided explicit reference to the cricketer's sexual conduct – so graphically described in the two *Truth* articles. The media was quite sympathetic to Chappell, framing the woman involved, in the judge's words, as wanting to 'injure', 'harm' and 'hurt' him, and how he would 'suffer enormously' if 'A Current Affair' had been allowed to air their story.

The full range of newspaper coverage – news stories, features, commentary, editorials, *vox pops*, letters to the editor and cartoons had yet to be unleashed onto celebrity coverage.

That would come in the final two case studies on Warne and Clarke, as Table 9:1 (page 242) and Table 10:1 (page 271 - 272) demonstrate. The Warne story was a major part of the print media news agenda for almost a fortnight. A significant number of the stories appeared on page 1. The feature articles or opinion /commentary pieces in that case study went into more salacious depth and offered more opinions than the innuendo-laden sexual framing of Miller. Also, for the first time in this research, editorials and Letters to the Editor were published about the scandal and there was also wide use of barbed cartoons. There had been only one in the first three case studies (in the Miller coverage) and it had been humorous, rather than cutting. Unlike the Miller case, there was nothing subtle about the framing of Warne. The coverage recounted the 'dirty talk' between Warne and the nurse, and framed his appearance on *Nine's* 'A Current Affair' as a 'confession'. The final case study, involving the break-up of the Australian vice-captain, Michael Clarke, and Lara Bingle, also covered the full gamut of newspaper coverage and in much greater measure. The story set the media agenda for a fortnight. The major difference between the Warne and Clarke coverage was the large increase in the number of features or opinion pieces in the latter case designed to give added depth, background and opinion to the ongoing saga, characterising it as a TV soap opera. It also had the effect of intruding further than any of the previous case studies into the private life and personal problems of one of the nation's leading sporting personalities, and further supports the researcher's contention of the 'escalation of intrusion' over the research period.

Research by Johnston and Graham (2013) supports the rise in opinion or commentary pieces in mainstream media and the use of cartoons to 'comment' on the news that was evident in the final two case studies. Their research showed that between 2007 and 2011, both *The Sydney Morning Herald* and *The Australian* had almost doubled the number of

commentary articles (J. Johnston & Graham, 2013, p. 121). The framing of Clarke, and to a lesser extent Bingle, was none-too-subtle. Unfortunately, his nickname (Pup) gave headline writers and commentators ammunition for framing the young cricketer in unflattering terms. The article chosen for closer examination in the Clarke case study (Roebuck, 2010a) was headlined 'Clarke's choice: love or leadership' and typical of how a number of sports writers framed the relationship break-up – Clarke should 'man up', get rid of the distraction of his fiancée and get on with the important job of making Test centuries and waiting his turn to take over leading the national cricket team.

The numbers of stories and the changes in the approach to celebrity coverage demonstrated the massive increase in media interest in the private lives of celebrities – in these instances, sporting celebrities – over the 65-year period under review, and in particular in the first decade of the 21<sup>st</sup> Century. The coverage of incidents in the private lives of Warne and Clarke (chapters 9 and 10) are examples of what Turner, Bonner and Marshall (2000) have called 'flashpoints', where a celebrity dominates media coverage (2000, p. 3). The researcher contends that rather than plateauing, or dropping, interest in celebrity coverage has only increased in Australia's media in recent years, highlighted by the coverage in recent years of the politician Craig Thompson, the former TV stars Robert Hughes and entertainer Rolf Harris.

### ***Modern-day coverage of Bradman and Miller: two hypotheticals***

In light of the coverage of the incidents involving Warne and Clarke, it can be surmised that if the 1945 financial scandal had taken place in the 21<sup>st</sup> Century, and involved the nation's cricket captain, if only in a relatively minor way, the coverage would have been far more extensive and intrusive. A present-day tabloid newspaper's account of the financial scandal might have begun like this:

The captain of the Australian cricket team, Don Bradman, has become embroiled in one of the biggest financial scandals in South Australian history.

Local, interstate and overseas journalists and camera crews would have been camped on the front lawn of Bradman's Adelaide suburban home from early on that first Monday morning (June 4, 1945), waiting for the iconic Australian sportsman to hold a news conference to defend his reputation and perhaps a day later to justify his actions in taking over his former employer's offices and client list. Inside, a team of high-profile public relations consultants representing Bradman and Cricket Australia (then called the Australian Board of Control for International Cricket) would be meeting with the cricketer in an attempt to minimise the potential damage to the game and its most important player. A similar approach could be taken with the Miller case study to demonstrate the differences in coverage between the modern era and 1956 when the incident involving Miller took place. In 2014, Miller would have been stalked by tabloid reporters and paparazzi. Editors would be offering 'top dollar' for details in word and image of his womanising. He might have been snapped heading into Buckingham Palace late at night, similar to the way the French President, Francois Hollande, was photographed in early 2014 by the French gossip magazine *Closer* supposedly arriving on the back of a motor scooter for a night with a French actress ("French President Francois Hollande considers legal action over alleged affair with actress Julie Gayet," 2014). In the original Miller incident, precise details of the cricketer's behaviour were left to the reader's imagination – but, as already noted, not much imagination was needed to understand the underlying framing of the message in the various stories.

### ***What explains the differences?***

The second research question sought an explanation for the changes in coverage over the 65 years. The third research question asked what impact emerging communication technologies were having on the coverage of the private lives of sporting celebrities. After identifying the differences in print coverage discussed above, the researcher used the principles of grounded theory and journalism as a research method to design a questionnaire to elicit those explanations from a group of eight experts in journalism, journalism education and ethics and a former Australian international cricketer – turned – commentator (chapter 11).

### ***The impact of the 24/7 news cycle, the Internet and social media:***

One of the major agents of change in recent times for print media coverage in general, and celebrity news in particular, and identified by the elite interviewees, was the impact of so-called emerging technologies. The Internet, social media and the 24-hr news cycle (the round-the-clock news and current affairs coverage on some radio and television networks) have combined to challenge the newspapers' traditional role of being, in the iconic words widely attributed to former *Washington Post* President and Publisher Phillip Graham -- 'the first, rough draft of history' (Shafer, 2010). He had popularised the term in the 1960s, but it was originally the thought of Alan Barth in the news magazine *New Republic*, in 1943 (p. 677). Most of the experts interviewed for this thesis agreed that the 24-hour news cycle meant that newspapers nowadays were seldom first with the news or set the news agenda any more, except when they published their own or joint investigative efforts. As a result, newspapers have moved further into entertainment-style news. Some refer to this movement as the drift to 'infotainment' or the 'dumbing down' of the news. Newspapers have also introduced more lifestyle inserts in their papers along with the entertainment and

celebrity news. It is what Hirst (2011) and others have referred to as ‘the race to the bottom’. It should also be noted that serious investigative journalism is expensive and time-consuming to produce; writing opinion / commentary pieces about the latest celebrity scandal is cheap, quick and easy to produce and share with other members of the particular newspaper’s stable of publications.

British journalism professor and media columnist Brian Cathcart (2011) has suggested there are two distinct types of journalists operating in the current environment – those who undertake the traditional role of the journalist, primarily to inform the public on important issues, and the others he called ‘privacy invaders’:

The subject matter is almost never important – except to the victims, whose lives may be permanently blighted – and while a story may entertain, it does so only in the way that bear-baiting and public executions used to entertain (Cathcart, 2011).

While that has long been the case in the highly-competitive London tabloid market, it is also showing signs of developing among the gossip magazines and mainstream tabloid newspapers in Australia. The last two case studies demonstrated that trend towards deeper intrusion into the private lives of celebrities. The Internet has provided far more sources of information than were available in the past and far less privacy. In the context of this thesis, the Internet provided much more information about the private lives of Warne and Clarke than was available from the mainstream media at the time of the Bradman, Miller and Chappell case studies. While the history of the development of the Internet dates back to the 1960’s, it only began to be widely used by the general public in the mid-1990’s to access information, among other things (Leiner et al., n.d.). The increased use by the public of the Internet, or World Wide Web, and the rise of Web 2.0 and social media more broadly, has occurred in parallel with the increased media coverage of celebrity news. The Internet has

had a major effect on mainstream mass media from the mid -1990s to the present day (McChesney & Pickard, 2011; Meyer, 2009; Patching & Hirst, 2014; Rosenberg & Feldman, 2008). Mainstream media were quick to establish a presence on the Internet, initially offering their print or broadcast content for free. Readers migrated to the Internet for not only the online coverage provided by their favourite newspaper (or broadcast organisation they either watched or listened to), but also access to thousands of other sources of information. The continued impact of the Internet through the early part of the 21<sup>st</sup> Century has seen a major shake-up of the mainstream media's business model (Meyer, 2009) with the struggling mainstream media suffering from what Meyer (2009) called the 'double whammy' in the later part of the first decade of the 21<sup>st</sup> Century – not only the ever-rising impact of the Internet and social media, but also the Global Financial Crisis (2009, p. 216). For many journalists the Internet is a two-edged sword – it is costing many their jobs, but on the flip-side it is providing instant access to massive amounts of information. Media commentator Mark Day, reviewing in his regular weekly column his latest major assignment – preparing 25 essays dealing with the first half of the half-century history of his employer, *The Australian*, noted:

The irony of it – the Internet, the invention that is destroying newspapers as we know them, is the reporter-historian's greatest ally (Day, 2014).

Social media and non-traditional Internet-based news sources do not have the same verification processes as those in place with mainstream media (Flanagan & Metzger, 2000; Johnson & Kaye, 1998; Metzger, 2007), typified by the social media-generated mistakes associated with the reporting of both the Sandy Hook elementary school mass shootings in late 2012 (Patching & Hirst, 2014, p. 211) and the 2013 Boston marathon bombings (Leys, 2013; Reddit apologises for online 'witch hunt' after Boston bombings," 2013). But these

amateur or citizen journalists are often first with the news. Journalists, journalism educator / ethicists and the lone cricketer-turned-commentator interviewed for this research agreed that social media was having a major impact on journalism in general, and on the reporting of celebrities in particular. The current (as of mid-2014) presenter of the ABC's 'Media Watch', Paul Barry (2014), came to the same conclusion when commenting on the political storm that erupted around Australian Prime Minister Tony Abbott in Budget Week in 2014 when he winked at a radio interviewer when a 67-year-old caller said she supplemented her pension working on an adult sex line:

In the old days that wink might almost have gone unnoticed. But a few angry people on Twitter can now become a major news story in the mainstream media (Barry, 2014).

### ***A way out for the sporting hero?***

While media management has always been a role for Cricket Australia, cricket's governing body in this country, it would do well to upgrade its media training program for its international cricketers to cover the appropriate use of social media. Sporting personalities are under more scrutiny for their off-field behaviour than ever before due to the changed media practices demonstrated in the Warne and Clarke case studies, and the advent and widespread use of social media. Anyone with a smart phone can upload pictures of a sports star's latest indiscretion to their Facebook or Twitter accounts. But as shown by Fleming, Warne and Clarke, celebrities can use social media to their advantage. They can break their own news – like Clarke announcing his marriage after the event and providing the only pictures (Byrne, 2012). While Warne might use Twitter and Instagram as his own personal publicity machines, Fleming and Clarke are more circumspect in their use of social media. Never before have celebrities been able to so easily set their own parameters and agendas

on what will be reported about them, and the media appears willing to follow their lead. Supporters of the Internet (Dunlop, 2012; Green, 2013) and several of the elites interviewed for this thesis have suggested that alternative media, like bloggers and social media users, are becoming the new agenda setters for mainstream media. Social media has changed the rules to a point where sporting personalities are now able to frame the news about themselves. They can almost-instantly Tweet their reaction to a story about them (or anything else) to the mainstream media and to their perhaps thousands of followers. The 24-hour news cycle and the constant need to update news on the Internet almost guarantees that the celebrity's reaction will lead the next version of the story. Or they can seize the initiative, as was seen with Clarke's wedding, and beat the media at their own game

***Chadwick's Taxonomy of Fame:***

Chadwick's work on categories of fame (Chadwick, 2003, 2004, 2005, 2008; Chadwick & Mullaly, 1997) contended that sports celebrities qualified for inclusion in the 'fame by achievement' category and exchanged their privacy for fame, or lost it because of it (Chadwick & Mullaly, 1997, p. 5). Chadwick and Mullaly (1997, p. 1) also suggested that invasion of an individual's privacy 'can be justified where a superior public interest is served by the disclosure of the particular information'. There is little to suggest in any of the case studies, with the exception perhaps in hindsight of the incident involving Sir Donald Bradman, there was what Chadwick called a 'superior public interest' being served by the coverage. Chadwick was useful in categorising 'who' was most likely to have their privacy invaded, and 'why', but offered little advice to journalists on 'how' to handle situations that could lead to serious invasions of an individual's privacy, but it did place much of the decision-making process in the hands of the individual journalist. It was a useful starting

point for developing an alternative to the existing ethical frameworks, which will be explored later in this chapter.

***Privacy and the public interest:***

Another major factor in the steep increase in coverage of the private lives of sporting celebrities over the research period can be explained by changes in what the media perceived as public interest. Revelations in the wake of the *NoW* scandal demonstrated how tabloid media content in particular had become more focussed on the prurient interests of their readers. Rosenberg and Feldman (2008) maintain that the 'public's right to know' has been supplanted '*by the public's right to know everything, however fanciful and even erroneous, as fast as technology allows*' (2008, p. 17) [their italics]. The privacy and public interest debate was a central theme of the literature (Chadwick & Mullaly, 1997; Mendelson, 2005; Morrison & Svennevig, 2007; Preston, 2008). The eight elite interviewees couldn't agree on whether Australia needed a tort for Serious Invasions of Privacy (at the time of the majority of the interviews it was still under consideration by the federal Labor government). While writing this concluding chapter, the latest inquiry by the Australian Law Reform Commission into a privacy tort was continuing. The ALRC issued a discussion paper ("Serious Invasions of Privacy in the Digital Era," 2014) in late March, 2014, proposing such a tort. The recently-elected conservative federal government immediately rejected the proposal (Merritt, 2014) meaning a change in the law is unlikely before a change in government. The current federal government has initiated a debate, though, on changing media ownership rules, with Communications Minister Malcolm Turnbull declaring the existing laws irrelevant in the digital era (Berg, 2014; D. Coleman, 2014; Murphy, 2014), which could lead to a further concentration of an already very concentrated media ownership in Australia.

***Other issues of public interest:***

While the first three case studies – Bradman, Miller and Chappell -- received relatively-scant newspaper coverage of the researched incidents, the Warne case study demonstrated how relentless the media had become by the turn of the century in chasing a story that had little public benefit, unlike, for example, news of criminal activity, a damaging government report, or a major medical breakthrough. What it had was simply voyeuristic interest to the public – interest in knowing about the more salacious aspects of the popular spin bowler’s private life. There is a big difference between legitimate public interest and what the public is perceived by the media to be interested in. The fortnight of adverse publicity generated by the story did not lead to a change in behaviour on the part of the transgressor. In the following seven years there would be another five highly-publicised sex scandals involving Warne ("Timeline of a sex scandal," 2007). The coverage of the Clarke – Bingle break-up was one of Turner, Bonner and Marshall’s (2000) ‘flashpoints’ of maximum coverage. While the public was interested, it is debatable whether the public interest was served by the saturation coverage. In the coverage of Warne, most of the Australian newspaper coverage took the moral high-ground. In the Clarke case study almost every media commentator had an opinion on the vice captain’s private life, and were not afraid to offer it in print. What was missing from the media coverage at the time of the Warne case study was any respect for his family’s privacy. It is not only Warne who was embarrassed by adverse publicity – the embarrassment spread to his wife, Simone, and their children. Two of the children – Brooke and Jackson – were still infants at the time of the incident in 2000 and the third, Summer, had not been born ("Liz Hurley and Shane Warne defy Simone Callahan's Mummy Two rant at AFL as Warne expresses ignorance," 2012), but doubtless they have been reminded in recent years of their father’s off-field behaviour by others at

their schools, and would only need to 'Google' their famous father for further reminders. Consideration is rarely given for the feelings of those associated with personalities in the news. Just how such coverage affects the families of public figures was illustrated following a recent political scandal in Australia. When her husband, politician Craig Thomson, was accused on multiple counts of using his union credit card to, among other things, pay for prostitutes, Zoe Arnold wrote about her feelings for Australia's highest-circulation magazine ("Biggest Selling Titles," 2013), the *Women's Weekly* (2012, pp. 33 - 36). Arnold began her career as a journalist and 'couldn't get enough of what was happening in the world' (2012, p. 34). But not any more:

I can't tell you the last time I read a paper or checked a news website online. I'm too anxious that there will be another story about my husband, more misinformation instead of truth and more nasty comments posted by anonymous trolls (Arnold, 2012, p. 34).

***An alternative privacy model:***

Chadwick, the MEAA Code of Ethics and the standards and principles of the Australian Press Council and the regulations of ACMA point journalists in the right direction on how issues surrounding the invasion of privacy should be handled, but in the opinion of this researcher they do not go far enough in deterring the most blatant abuses, highlighted by the treatment of Warne and Clarke, and the lack of consideration for those close to them. As was noted in the Literature Review, the various codes of ethics and practice in Australia all have privacy clauses, but they give small comfort to sporting personalities craving privacy from media intrusion into their personal relationships. All have guiding clauses that give them what the researcher characterises as 'wriggle room' to justify intrusion on the grounds of what the journalists see as 'the public interest'. But in this context what qualifies as

‘public interest’? Does the public really ‘need to know’ the type of private information published in at least three of the case studies (Miller, Warne and Clarke)? Or is it simply pandering to a perceived public fascination with the lives (and loves) of the rich and famous? While it could be argued that the personal life of the heir apparent to the captaincy of the Australian cricket team (as Clarke was at the time of the break-up with Bingle) is of interest to the public, the depth to which the media covers such an individual’s private life deserves closer consideration. While freedom of speech is an important standard to uphold, the freedom to intrude into the private lives of individuals at times of crisis in their lives – especially a young couple trying to sort out a personal relationship that had been played out in the public arena since it began – should also be tempered with consideration and compassion.

As noted above, Federal government moves in Australia over privacy legislation are currently (as at May 2014) stalled. The British government and media proprietors are still at loggerheads about the form media regulation will take in the wake of the *News of the World* scandal and the Leveson Inquiry (2012). If the media does not take voluntary action to curb the more extreme cases of privacy invasion, they may face legislative sanctions in the future.

The current code of ethics covering mainstream media in Australia ("MEAA Code of Ethics," 1999) urgently needs revising for the digital era. The insertion of a clause that journalists ‘minimise harm’, similar to the section in the American Society of Professional Journalists’ Code ("SPJ Code of Ethics," 1996) would be a good starting point as well as an expanded clause advising journalists how to evaluate and balance possible privacy intrusion.

The researcher believes individual journalists and commentators need to take more personal responsibility for what they write and not dismiss criticism, as they often do, as an

assault on freedom of the press. Some of the commentators that rush to print with their opinions on public figures should ask themselves what qualifies them – other than a by-line – to offer their opinion? Some, like the example by the late Peter Roebuck (2010a) cited in chapter 10, could easily be accused of being out of their depth in offering relationship advice. Others need to temper their desire to wring every detail out of an individual's private affairs.

### ***The 'how would you feel?' test***

It is this researcher's contention that in the Shane Warne case in particular, the media showed little regard for the effect such detailed revelations would have on the cricketer's family who became collateral damage in the media coverage of their husband and father. While journalists might suggest that 'it's not their problem', the researcher contends that the problem is of their creation and they have a teleological obligation to personally consider the ramifications of everything they write. While journalists (and the public) might suggest that Warne 'deserved all he got' as he proved to be a serial cheater, in the Clarke - Bingle case, using the words of the privacy standards of the Press Council ("Australian Press Council: Privacy Standards," n.d.), the media did 'unduly intrude' and showed little, if any, 'respect and sensitivity' for the people involved, even though they were both public figures. The break-up of their engagement could not reasonably be classified as 'related to their public duties or activities' ("Australian Press Council: Privacy Standards," n.d.). While all mainstream media strive to remain profitable in the current multi-platform, digital environment, the researcher believes that the responsibility for what is written about a particular incident lies with the individual journalist assigned the story. Aristotle's 'Golden Mean' (Merrill, 2011, p. 15) suggests a point between two extremes – in the researched cases between printing too much or nothing about the incident – is the appropriate point at

which to temper what is written. Rawls' Veil of Ignorance theory (1999) contends that everyone should be treated equally, which is unrealistic in a media setting – the actions of the Prime Minister or the national cricket captain, for instance, are of more interest to the media and the public) than the proverbial 'man (or woman) in the street' – but the added aspect of the theory of 'walking in another's shoes', the researcher contends, points the way for the individual journalist making an ethical decision about what to include in a story about a celebrity's private life. Analysis of the case study findings in the light of Chadwick's Taxonomy of Fame theoretical framework (Chadwick, 2003, 2004, 2005, 2008; Chadwick & Mullaly, 1997) – in particular the breadth and depth of coverage of the Warne and Clarke incidents – suggests that from an ethical perspective, journalists should ask themselves several questions before reporting so much of a celebrity's private life. The researcher suggests journalists should ask 'how would you feel' if this material was published about you in the same circumstances? Imagine picking up the morning papers to read explicit details about your private life: what would Mum and Dad, or their partner think? Would that level of intrusion (into their private life) be justified? Perhaps under those circumstances the more intrusive journalists might take a step back and further consider the (teleological) effects of what they are about to publish. Teleological ethics (as covered in chapter 4) are concerned with the 'ends' or 'consequences' of actions. In other words, the journalists need to think through the ramifications of what they are about to write.

***Patching's seven levels of intrusion:***

Where, for instance, would they 'draw the line' in the researcher's 'seven levels of intrusion' (see Table 11:1, page 322) used as part of the elite interviews in the previous chapter? The elite interviewees did not agree on where they would stop. While most would accept stories written about them in the first three categories (on-field indiscretions, mild off-field

antics and where they had invited the public into their private life), how would they feel if they – like former Australian of the Year and media personality Ita Buttrose – became a major part of the reporting of a court case involving one of their relatives simply because they were there as moral support? If they were a personality in their own right because of their profile in the media, an opposition news outlet might publish stories in the final three categories – gossip-style stories, a ‘kiss-and-tell’ exposé from a former lover, or a story that was simply not true. Putting themselves in their subject’s shoes and considering how they would feel if what they were about to write was being published about them might lead them to tempering their enthusiasm for embarrassing details. The researcher contends that the ‘how would you feel?’ test represents a viable alternative to the limited and vague advice on issues of privacy offered in the ethical guidelines of the MEAA, ACMA and the Australian Press Council. This, in addition to increased media and social media training of celebrities to better equip them with what to say, when to say it and to whom, may help to find the balance in celebrity reporting. Clarke’s turnaround in media and social media usage, and indeed the changes to the way the media have reported on Clarke, are testament to the fact that sportspeople can take some responsibility for their treatment by the media and they can turnaround negative media framing.

***Further research and conclusions:***

The central finding of this research – the increasingly intrusive nature of modern mass media coverage of the private lives of celebrities – opens up many possibilities for further research. Incidents involving sporting celebrities from different countries and cultures could be researched by comparing an incident in their private life and how their local media covered it. Or an incident in the private life of an international sporting celebrity could be researched in the media of several countries. How did the coverage differ? Celebrities from

different walks of life could be researched. Mainstream media coverage of an incident from the private life of a sports person, an actor, a singer and a politician, perhaps, could be examined and compared. Coverage in mainstream media of any celebrity scandal could be compared to social media reaction. In the celebrity-driven popular media, possibilities abound.

After more than half a century involved with mainstream journalism and journalism education, this researcher at times despairs at the way modern print and broadcast media have been drawn into what others call 'the race to the bottom' in intrusive celebrity coverage. While this thesis was being finalised, as mentioned earlier, the trials of Robert Hughes, Craig Thompson and Rolf Harris were playing out in courtrooms in Australia and London, and regardless of the outcomes, media coverage of the events surrounding the cases had already ensured that they were convicted in the 'court of public opinion' before their day in court. At a time when mass media executives are unlikely to suggest tempering celebrity coverage because of its audience appeal, and social media are competing with journalists to be the first to break the news, this researcher contends that it is up to individual journalists to take more responsibility for the depth of intrusion of their stories. But in these times of financial crisis and major job losses for mainstream media, it is a big ask for individual journalists, but a necessary one. It is also a major role for the nation's journalism educators to ensure their graduates have a firm ethical foundation on which to make decisions about potential privacy intrusion before they leave university. Journalism students, and those in their first year at a media outlet, should be given the seven-level list and asked where they would 'draw the line', and discuss their position with other members of the class or cadet / trainee group.

It was noted earlier in this chapter that moves toward a tort to prevent Serious Invasions of Privacy are stalled with the ALRC still to report and the federal government already suggesting they are not interested in such a law (Merritt, 2014). This researcher believes that the government should be urged strongly to put such a move back on the political agenda. However, from its election in September, 2013, the current conservative Australian federal government has shown its willingness to side with the media on issues of free speech. Federal Attorney-General George Brandis was quick to make good on a pre-election promise to draft controversial legislation to liberalise section 18C of the Racial Discrimination Act, the so-called 'Bolt amendment', named after the *Herald Sun* commentator, Andrew Bolt, found guilty under that section. The proposed changes were widely criticised and at the time of writing, the Attorney-General was under pressure to rethink the legislative changes (Massola & Kenny, 2014). Politicians are among the groups who suffer, along with celebrities, from invasions of their privacy by the media, so it is somewhat surprising that they would not support such a law. They should.

## Appendix

# ***Interview Guide***

Generic

### **Background:**

- *Name:*
- *Gender:*
- *Age:*
- *Location:*
- *Current employment*
- *Employment history (briefly)*

### **Q.1. Characteristics of the media's reporting of the private lives of celebrities in recent times**

- *What do you think about the way the private lives of celebrities are covered in general?*
- *What are the positives of newspaper coverage of celebrities?*
- *What are the negatives about it?*
- *Do you think celebrities deserve the coverage (in general) they receive in the print media these-days?*

### **Q.2. The differences between tabloid and broadsheet coverage from your perspective.**

- *What are they?*
- *Do you see similarities in the way their respective websites cover celebrities?*

### **Q.3. Experience in reporting on celebrities**

- *Can you describe your experience reporting on celebrities?*
- *Do you consider celebrities 'fair game', that invasion of their privacy is the price they pay for the trappings of being a celebrity?*
- *What qualifies something as being classified as 'private'?*
- *Is this ever any different for sports stars?*
- *What criteria would you see as justifying an intrusion into someone's privacy for a story?*
- *Are there steps of privacy intrusion?*
- *Are there ones you wouldn't cross?*
- *Does a person ever cease to be a celebrity of media interest?*

### **Q.4. The Australian Law Reform Commission has suggested a privacy tort for 'serious breaches'. The Government is to release a discussion paper.**

- *Is this the correct approach?*
- *Is there anything that's 'too private'?*
- *Many argue that celebrity privacy intrusion is excused on public interest grounds. What's your view?*
- *Is there anything that's too private, even on public interest grounds?*

## Q.5. What effects on media intrusion into people's private lives do you think the following have had?

- *What do you see as the impact on the print media of the 24-hour TV news channels?*
- *What about the impact of the Internet? What has it changed?*
- *What about the print media's business model?*
- *What about social media, like **Facebook** and **Twitter***

## Q.6. Reaction to stories about the private lives of say, Shane Warne and Michael Clarke

- *Do either of them deserve any privacy under any circumstances?*
- *Firstly Warne. His romance / engagement to Liz Hurley, for instance*
- *What about Clarke? What about his engagement last year?*

## Q.7 What's your reaction to my seven-point privacy plan?

### Patching's categories of Sports Stars' privacy intrusions:

**Level 1: On-field indiscretions.** Examples: Miller stepping out of the way to be bowled; Chappell's under-arm incident; Clarke standing his ground when obviously caught?

**Level 2: Mild off-field antics:** Bradman's stockbroking firm that sponsored his playing for SA going broke; Miller being popular with the girls; Chappell selling Bradman letters; Warne smoking incident; Clarke's birthday party.

**Level 3: Where the public is invited into the private life of the sports personality.** Like an interview on Oprah; rugby league player Ian Roberts 'outing himself' – where sports people have deliberately chosen to put their private life on the public agenda.

**Level 4: The relative of a famous person is in court, say.** It could be The Prime Minister's brother, or Ita Buttrose's nephew. The celebrity name factor makes it news. Where the coverage of a relative is affected by the name of the celebrity or sports star.

**Level 5: Private lives in the gossip category** – of the nudge-nudge wink-wink variety – the allusion of sexual misbehaviour in the speculation category. Miller and Princess Margaret. Warne and the topless girls in his hotel room.

**Level 6: Voyeurism 'kiss and tell' stories.** Beckham. Chappell. A recent super-injunction case where the English soccer star took out an injunction to stop a paper buying reality-TV star Imogen's story of their affair.

**Level 7: National Inquirer / New Idea stories of malicious falsehood :** They are wrong and they don't care. Hewitt and New Idea and the new man in wife's life, ending up being her brother. Is that simply negligent ignorance, as opposed to writing something they know is wrong, and not caring?

**Where would you draw the line and not publish?**

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