

# Elections and the media

**A look at the reporting of general elections from the perspective of the Australian Press Council presented at the University of the South Pacific with an eye to the Fiji election in May 1999.**

**By PROFESSOR DENNIS PEARCE**

WE HAVE gone past the day when election campaigns were conducted solely in public halls, from the back of trains and trucks and by personal contacts in meeting places. The use of the media is now the principal means by which candidates try to convey their message to the voters. Inevitably this means that parties and candidates will examine whatever appears in the media with infinite care to see what is being said about them and what is appearing in relation to their opponents. They become hypersensitive to media coverage and react to anything that they see as "unfair" to their cause.

Complaints to the Australian Press Council about material appearing in newspapers have obliged the council to consider a number of issues relating to the rights and duties of the print media in reporting election campaigns and it is that experience that I draw on for the following comments. Some of the matters dealt with are applicable to other media. Some are inherently print related. It is also the Australian experience to which I refer. Each country has its own values and practices and the comments must be treated accordingly. Significant for the Australian Press Council's activities is that it takes complaints from third parties. Many complaints concerning the reporting of elections do not come from the candidates but from a political party or from members of the public.

The topics that have provoked most complaints to the council relating to the actions of the press in Australia in reporting elections are:

## DENNIS PEARCE

General bias by a newspaper in the presentation of material.

Unfairness or lack of balance in the material reported, including particularly the failure to provide an opportunity to respond to material appearing in the newspaper.

Publication of letters critical of a candidate.

I shall deal with each of these in turn.

### Newspaper bias

In general, the experience of the council is that both parties in election campaigns tend to complain about bias on the part of the media and frequently about the same newspaper! The emotion that elections generate in candidates is such that their normal objectivity is suspended and they find unfair anything that might contain a hint of criticism of them or the policies that they support. They also assume a degree of avidity of readership that does not reflect the reality of the reading habits of newspaper readers. But these issues aside, the council does receive significant complaints alleging bias and this has obliged the council to consider the role of newspapers when it comes to reporting political issues.

The council has said that it upholds the right of a newspaper to have its own political position; to accept certain beliefs and policies and to reject others; and to favour the election of one party and to oppose the election of another. The council considers that this is an essential element of the freedom of the press and it would not be possible to speak of that principle unless this right were recognised. Once this is accepted, it follows that newspapers will often be partisan and biased and will appear to be so, especially to those who are committed to different opinions, policies and parties.

However, the council has emphasised strongly that newspapers which profess to inform the community about its political and social affairs are under an obligation to present to the public a reasonably comprehensive and accurate account of public issues. This implies the adequate and accurate reporting of the variety of views and policies at least more prominently espoused within the community; the central conflicts and criticisms that occur between opposing views; and so on. The Council has said that it believes that only a press that functions to facilitate full and wide communication within the community can be regarded as a free press or at any rate one that promotes and enhances freedom.



The application of these principles in practice has led to a number of conclusions being reached in regard to particular issues.

First and foremost the council believes that it essential that a clear distinction be drawn between reporting the facts and stating opinion. A paper's editorial viewpoints and its advocacy of them must be kept separate from its news columns where they purport to present facts and community opinion. Likewise, editorial comment should not misrepresent the position of a party. While the Council will not censure a newspaper for being partisan or require it to be impartial in the sense of non-partisan, it must not seek to assist the causes it advocates by falsifying or distorting opinions or activities of those to whom it is opposed. So the council upheld a complaint that it had received about a state metropolitan daily because in its view an editorial in the newspaper sought to gain an unfair advantage in its advocacy of the election of the opposition party by distorting the thrust and emphasis of remarks that had been made by the then Premier of the state.

In determining whether a newspaper has unfairly presented the position of one party, the council has declined an invitation to judge this by measuring column space devoted to the views of each party or measuring the length of articles for and against a party. The council said that comparisons can only be made by comparing the content and context of material published throughout a campaign – and this it would not do. Apart from the difficulty of the task and the extent to which it would be value-laden, a conclusion that more space was devoted to one party would only reveal that the newspaper was partisan, and the council does not deny such a right.

The council said that it would not lay down a general principle that papers should allot parties or candidates equal space. To do so would constitute a considerable invasion of the freedom or discretion of an editor in shaping his or her newspaper. This would constitute a negation of freedom of the press, albeit from a benevolent dictator. This is not a Press Council's role. However, a failure to report the other side of a story can be unfair and the council has considered complaints from this perspective.

### **Unfairness and lack of balance:**

This issue particularises the matters set out above. The claims that are made relate to particular news items that a candidate feels unfairly presents his or her position but does not necessarily constitute a claim that the paper is biased in its



## DENNIS PEARCE

overall treatment of the candidate. A number of circumstances can prompt a complaint to the council.

### *Headlines:*

Headlines are a fertile ground for concern. Headlines try to encapsulate the subject or flavour of an article in two or three words. Their capacity to misrepresent a position is manifest. In this respect it is doubtful if the reporting of political issues raises any different problem than reporting of other news items. It is just that, as noted earlier, candidates are very sensitive to the way in which matters are presented during campaigns. Editors need to be aware of this sensitivity and take care that a headline does not misrepresent the factual position that is set out in the article. Headlines are much more likely to be called into question at these times as more is seen to be riding on the impact of a headline than at other times.

For example, a headline that read GREEN LIGHT FOR RAILWAY published in the *Northern Territory News* related to the perennial topic of the building of the Alice Springs–Darwin railway line. This is one of the top issues in the territory and any government that could guarantee the construction of the railway would gain much political kudos. The support article to the headline did nothing to suggest that the position in relation to the railway had changed. The Council found the headline misleading. It would have reached the same conclusion no matter when the headline had been published but the likelihood of it being the subject of a complaint in other than electoral campaign season was minimal.

### *Equal opportunity between candidates:*

Equal opportunity to present views is also a source of tension between candidates, particularly in community papers. It is common for a newspaper to run a feature on candidates and invite them to present their views on topics or outline their policies. It is important that this type of article treat the parties fairly. Generally equal space should be provided to them. If photographs are to be published all should be given the chance to provide a copy and the photographs should be of equivalent quality. A candidate should be sought out to provide comment if that opportunity is being provided to his or her rivals. However, the council has accepted the argument that where there are a large number of candidates seeking election, a newspaper can be selective in who it approaches and can limit itself to the candidates that it considers have a chance of success.



The council has also indicated that none of this allows a candidate to insist upon more equal treatment. So it is permissible to cut a statement provided for publication where it is too long. A candidate cannot complain about non-publication if he or she fails to meet the deadline given by a newspaper for submission of material.

#### *Opportunity to respond*

Whether readers should have the opportunity to respond to matters published in a newspaper is a difficult issue. The Australian Press Council takes the general view that no member of the community has a right to respond to editorial or columnists' opinions that are published in a paper. No matter how strongly a person feels that opinions misrepresent facts or are just plain wrong, the newspaper is not obliged to provide a forum for their alternative view to be published. It might well choose to do so in the interests of public debate of the topic but this is in the discretion of the paper.

An exception to this is where a person can show that they are the subject matter of the material. Then the council takes the view that, if their side of the story has not already been obtained and published, they should be given the chance to present it to the public either through a published article or a letter.

The position during electoral campaigns is a little more complicated. An opinion piece relating to the policies of a party generally would probably fall within the general approach set out above of there being no right of reply. But where the comments relate to the views of a particular candidate, the council will usually insist that the candidate be given an adequate chance to respond. Where assertions are being made by someone else about the views of a candidate, the council will be very critical of a failure to check whether those views are indeed held by the candidate.

Problems are also likely to arise in relation to claims that factual material, such as party policy, has been misrepresented. The difficulty is likely to stem from the newspaper having had to summarise the material or the statements of a candidate. Again the council considers that the best way to deal with this is for the paper to publish a reply from the party or candidate. However, the council recognises that the paper is entitled to set the limits on the length of any such piece and to reject it altogether if the author insists on it not being edited.

#### *Timing of response*

The timing of a response is a matter that has prompted a number of complaints to the council. Timing is very important for non-daily papers. For



## DENNIS PEARCE

example, a weekly newspaper that published a piece in its edition that came out in the week before an election failed to seek the views of a candidate who was being criticised. No adequate redress could be provided for what the paper conceded was an error. Even a daily paper must take particular care on the eve of an election as a balancing article published on the day of the election might well not be seen by voters before they go to the polls. In cases of this kind the paper should ensure that it has both sides of the story. If it does not, it should consider very carefully whether the story should be published.

None of this is to suggest that a paper is under an obligation to keep publishing charge and counter-charge between candidates. A paper has the right to terminate a debate whenever it wants provided that this is not unfair to one of the parties.

### *Placement of response*

Candidates who seek the opportunity for response to an article will almost always want their response to be of the same size and prominence as the original article. The council has not taken a hard line on this issue. A reply to a page one article should not be buried in the back of the paper. But it does not always have to be included at the same point and with the same prominence as the original. It is a matter of judging what seems fair to the parties and what will bring the reply to the attention of the readers who saw the original. The council has found most newspapers take a responsible approach to this issue.

Finally on this issue of access, the council was critical of a paper that indicated to candidates that it would only publish editorial comment from a candidate if the candidate agreed to take a certain amount of paid advertising in the paper.

### **Publication of letters:**

Selection of letters for publication is an editor's prerogative. No-one can insist that a letter be published except in the circumstances referred to above where they have been the subject of an article or letter in the paper. Likewise no-one can object to the publication of a letter on the basis that the views stated are wrong or offensive. If the letter is defamatory the person affected has a remedy at law. So candidates for election cannot object to letters attacking them being published. They may, of course, expect to be able to respond.

There are two matters that have come to the attention of the council in relation to which editors should be on guard. One is the writing of letters under a false name. If an editor has reason to suspect that a letter writer is not the person



who they purport to be, the editor should not publish without first checking whether the person named did sign the letter. The other is the practice apparently used by some political parties of having party members flood the paper with letters dealing with a particular topic where the letter has been written by the party itself. Both these devices are more likely to be used during election campaigns.

Without suggesting that the practice is inappropriate, care should be taken in sub-editing letters from candidates to avoid allegations that the changes misrepresent the candidate's position. It is much wiser to agree with the candidate the form the letter should take for publication. If agreement is not forthcoming, the paper can decline to publish the letter.

### **Conclusion:**

It can be seen from this outline of the position taken by the council on a number of issues over the years that it has tried to balance the freedom of the media against their community obligations. This is the approach that it adopts in relation to any matter that comes to it. However, the reporting of elections is more sensitive as it represents the point at which the press probably has its greatest impact on the democratic process.

A newspaper or any other media organisation has the right to present any view that it likes. If it is established as an organ of a particular party and makes this position clear then much of what I have said is irrelevant. This is because the community will be expecting to get a slanted presentation of both facts and opinion from the paper.

My remarks are directed to media outlets that purport to be presenting information and opinion openly and fairly without the direction of a particular party. This does not stop a paper holding a particular philosophy. In its opinion columns it is entitled to present this but in its factual presentation and its reporting of the views of candidates it needs to recognise an obligation to the community that transcends its political choices.

In the reporting of electoral campaigns the press should be at its most free but it must therefore also be at its most responsible.

□ *Professor Dennis Pearce is chairman of the Australian Press Council. This is a slightly modified version of a paper presented at a public forum held at the University of the South Pacific, Suva, on 1 December 1998 under the auspices of the Fiji Media Council.*