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Race in the Australian media: Present approaches and opportunities for change

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Abstract

The essay investigates racial reporting in the contemporary Australian media, a subject of great moment. It proceeds by establishing a practical definition of race, then draws a critical distinction between reporting *about* race and reporting *of* race, surveys the current, slim guidance available to journalists (principally the Media, Entertainment and Arts Alliance Journalist Code of Ethics and the Australian Press Council's Standards of Practice), and notes the difficulty of regulation given journalism's function as the Fourth Estate. However, because of the subject's importance and the scantiness of the current guidance, the author concludes that the present state of affairs is untenable, and some elaboration is needed. He proposes, originally, a journalistic analogue to the 'reasonable person' test used at law. The test of the reasonable journalist would measure professional, social, personal and statutory duties and values, using input from academic and practising journalists, which, debated and refined over time, would help establish a consistent method for reasonable conduct. The essential point is that, in a field where complicated and contradictory factors are at work, such as decision-making about race reporting, mere guidance is likely to be less useful than a calculus which purposefully and systematically weighs such factors against each other. The calculus suggested, though necessarily a sketch at this stage, offers a path for research and practice which may bring clarity to a difficult area.

Introduction

The media in Australia, like other institutions both official and unofficial, operate in and from a particular historical context, common to states having their origins in colonisation. That is, a pre-existing nation and culture (in fact a multitude of pre-existing nations and cultures), self-sufficient and living in accord with their natural environment, had imposed on them an entirely different social structure with little or no agreement by those peoples. The inevitable crimes, misdeeds and blunders which this produced has led, in a sense, to the existence of two Australias: one having its genesis in remote antiquity, socially and culturally distinct, harmonious with the environment, which was thrown into disarray and confusion after 1788; and the other having its immediate beginning in the same year, with its distant origin on the other side of the world, materially advanced but often profligate, which went on to establish

a Protestant, constitutional, monarchical state continuing (at least to some extent) to the present day. In recent decades, consistent with a change of government policy, more diverse ethnic and religious groups have also immigrated to the country, which has in some cases caused a similar divergence of experience (though perhaps not in such stark terms). This experience, combined with the topicality of the 'Black Lives Matter' movement, raises the difficult and urgent question of the proper relation of the media, as a vital institution of state, to these minority ethnic and religious groups, a question yet to be satisfactorily resolved. The following essay examines the current state of affairs, assesses the merits of the prevailing approaches, and ends by sketching a different method for use in the future, based on a test of reasonableness used at civil law.

Race and ethnicity

It is to be noted at the outset that a scientifically precise definition of *race* or *ethnicity* is difficult to derive, and indeed is not required for an adequate discussion of this topic. It is the commonly-understood meaning of these terms which I appeal to, not a technical one, for there seems to me to be little point engaging in a complicated scientific or biological debate, as some of the literature does, when most people, including journalists, use a far more practical definition. This definition is roughly synonymous to 'nationhood' or 'peoplehood,' and includes elements of race, history, religion, culture, and relationships to other groups.

Race and race

There are, of course, two senses in which race might be 'reported' in the media. The first is when a matter is reported which involves persons belonging to one race or another. Naturally the matter may be of any kind – good or bad, legal or illegal, unusual or commonplace – and the persons engaged or involved in its activity, were they to be switched with those of some other race, would not change its fundamental character. The second is when a matter is reported which is *itself* a matter of race or ethnicity, such as, for example, harassment directed towards Arab-Australians after ISIS terrorist attacks or other atrocities. These are two quite different cases, requiring different treatments. Failing to make this distinction will lead to obvious errors.

To take the first case, a recent example is provided by Weng and Mansouri (2021) who refer to a spate of serious and petty crimes in Melbourne in 2018, which were perpetrated, according to many media sources, by local 'African gangs' (p. 476). The connection of race with these matters is at best simplistic, and at worst sophisticated, given that the crime rate of African-Australian youths is in fact very low indeed (p. 473). Politicians, following the lead of the press, sought to draw far-reaching conclusions on the basis of the crime spree, conclusions which were frequently specious and unsupportable (pp. 476-477). The recent experience of African-Australians is redolent of the earlier experience of Indigenous Australians, whose ethnicity was highlighted in crime reports during the 1980s and '90s (and beyond), even though the question of ethnicity was marginal or irrelevant.¹ Just as there was the need, in the language of the commentator Mickler (1997), to make Aboriginal extraction 'banal' in such cases, so there is the need now to make African extraction banal when reporting a subject like gangs in Melbourne. It would not occur to a journalist to state the colour of a gang member's skin if he were white (as many gang members are); equally, there is no reason to state that a gang member is of African background, if being of African background is immaterial to the content of the story.

The wording used by the Media, Entertainment and Arts Alliance (MEAA) Journalist Code of Ethics and the Australian Press Council's (APC) Standards of Practice, perhaps the two most widely relevant charters (though binding on members only), are probably adequate to deal with this kind of case, assuming, of course, that proper enforcement mechanisms are available. The former includes standard 2.: 'Do not place unnecessary emphasis on personal characteristics, including race, ethnicity'. The APC's sixth general principle directs journalists to 'avoid causing or contributing materially to substantial offence, distress or prejudice'. An Advisory Guideline (not part of the Standards, but recommended) specifically on the subject of race² instructs that, 'Publications should not place gratuitous emphasis on the race,

religion, nationality, colour ... of an individual or group.³ These clauses are clear rebukes to the journalist who would irresponsibly and irrelevantly stress race in order to play on the prejudices of their audience. Many of the various medium-, business- and organisation-specific codes also contain such an injunction, including the Commercial Radio Australia Guidelines.⁴

None of this is to say that the journalist reporting a matter which involves persons of a particular race will not need to adopt an appropriate manner when dealing with those persons. This is a question both of good journalism and of good etiquette. One such necessity arises when, due to linguistic or social differences, there is the risk of severe misunderstanding between a journalist and their interlocutors, and therefore between the audience and those interlocutors. Some observers, for example, have discerned a brand of 'Aboriginal English' which, though similar in many respects to the broader Australian tongue, nevertheless differs in important points of pronunciation, emphasis and meaning⁵; two persons conversing using different variants of the English language can very easily misconstrue one another. The only preventative against this is education by both parties – particularly by the journalist, usually being the one in a position of power. Most unfortunately, there appears to be no systematic instruction for journalists about the idiosyncrasies of Aboriginal English, though there exists a guide for teachers which could be partly adapted.⁶

Another kind of misunderstanding may occur when persons mistake a journalist's purpose, sometimes due to the craft and guile of the latter. Even in 2022, many Aboriginals carry on a largely traditional lifestyle on their ancestral lands,⁷ and so may have limited familiarity with Western journalistic practice, particularly its cynical and exploitative potential. The same may be true for some newly arrived ethnic and religious groups, especially from countries where the press serves not as a free agency but as an instrument of state tyranny and coercion; these groups may feel a compulsion to comply with requests from journalists when in fact none exists. Standard 8. of the MEAA Code is apposite here: 'Use fair, responsible and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.' The APC's seventh General Principle and first Privacy Principle are of a similar burden.

A second necessity of manner occurs when, on account of cultural or religious considerations, a matter takes on a particular meaning for persons belonging to a minority group. An obvious example is the naming and representation (by photograph or recording) of the dead, a matter of course for white Australians, but often a spiritual affront to Aboriginals because of both the sorrow these produce as well as the fear of the deceased's spectre (Smith, 2003). A journalist would therefore be well advised, when dealing with the family or community of a deceased Aboriginal person, to refrain from gratuitously naming that person or requesting photographs, and to show a similar sensitivity when reporting on the matter. Some television stations, including the Australian Broadcasting Corporation and the Special Broadcasting Service, publish guidelines to this effect.⁸

Race as a subject

The other sense in which race might be reported, namely as a subject in its own right, presents a greater difficulty because the matter is no longer reducible to its bare facts, but inevitably becomes complicated with its racial significance and implications. The racial significance may have originated long before the event in question, reverberating through the years, deeply influencing and affecting it. For example, a report about unemployment among Middle Eastern immigrants can never be only about unemployment; it must also include, usually impliedly rather than explicitly, a long chain of antecedent events including, perhaps, a history of exploitation and disenfranchisement by white colonisers, the artificial division of ancient societies into modern states, and other confounding and disorientating effects – some contributed to by Australia – which resulted in the flight of those immigrants to a foreign country where many are ill-equipped to function. A journalist reporting the matter cannot help but be influenced by these considerations, and – through style, tone and emphasis – respond to them in a certain way.

The manner of response will, in turn, affect the journalist's representation of the matter and thus the audience's own understanding, creating fresh reverberations which mingle with old, and go on to cause their own consequences – good or bad. This is even more important when one considers that some people have little meaningful traffic with ethnic and religious minorities, apart from superficial casual interactions, and thus depend almost entirely on popular representations – particularly in the press and on television – for their information.

Along similar lines, reports going back many years make a causal connection between the manner of presentation of racial and religious issues in the media, and the manner of conduct by the audience towards the groups concerned: for one example, see the summary in Ewart et al., (2017) of the effect on Muslim Australians of media coverage concerning Islam, including animus and suspicion by the broader community, and even physical or verbal abuse ('Effects of Mainstream Portrayal of Islam and Muslims' section). The question then becomes: what is the best way, in the pursuit of truth and responsibility, for journalists to report matters of race?

The current guidance is vague, partly because of necessity and partly, one suspects, because of uncertainty. Much depends on tone and context. The APC's Advisory Guideline, 'Reporting of 'race'' from 2001 (still current), states:

... The Council is principally concerned about references to race, colour, ethnicity or nationality which promote negative stereotypes in the community. It acknowledges that the question of stereotypes is not cut and dried, and much depends on the context. The Council in principle condemns gratuitous use of offensive slang terms for minority groups. ... The Council also accepts that some international situations are extremely difficult to report or comment on without causing offence to different groups in the community. ... In the Council's view, in general, the press needs to show more sensitivity in reporting issues when minority groups are perceived in the community to be more 'different' [*sic*] or when they are the subject of particular public debate. (para. 7-10)

There is also a plethora of medium- and business-specific codes and principles, too numerous to analyse in detail, some of which mention race to varying degrees.

Again, a large part of the solution may lie in education by journalists. When reporting, for example, alcoholism in Indigenous communities,⁹ journalists should know – as perhaps few of them do – the history of this problem and its inseparable connection with prejudice and colonisation. Although Aboriginals drank alcohol well before British arrival – either fermented from plants or brought by Indonesian fishermen, and apparently without evidence of serious ill-effect (Brady, 1998, p. 4) – the problem of alcoholism only started when the colonists irresponsibly introduced Aboriginals to the habit of drunkenness (Ministerial Council on Drug Strategy, 2001, p. 1). Then, far too late, Australia enacted legislation which prohibited alcohol for Aboriginals, legislation which survived in one form or another until the 1970s. This prohibition became entangled with other civil, political and economic limitations on Aboriginals (such as electoral disenfranchisement or forcible removal to reserves), and the Aboriginal experience of alcohol during this long time was marked not by relaxation and sociability, but by fear and harassment (Ministerial Council on Drug Strategy, 2001, p. 4). The eventual repeal of the legislation thus led to predictable excesses.

A journalist with knowledge of this information may report the problem of alcoholism in a more or less responsible, more or less magnanimous, way – a way which either softens and re-defines the harsh vibrations of history, or adds to their power. As demonstrated by McCallum (2013), the nature of journalistic reporting about Indigenous health issues may have a profound influence on the government's method of response.

The Fourth Estate

Edmund Burke famously described the press as being the 'Fourth Estate,' meaning that it is a civic institution which promotes truth, responsibility and liberty, and resists deception, incapacity and tyranny. In order to support the communication of information, and thus an

educated citizenry which confers upon government its legitimacy, journalists enjoy a social privilege which usually includes special access to prominent persons and other important sources, close observation of the workings of government, and a status bringing with it a degree of authority and licence.¹⁰ Given the exalted status of the press, at least in theory, it is easy to see why there might be reluctance to set rules for the reporting of any subject, let alone one as important as race or religion. Journalists must be able to report freely on the great issues of their day, and there is always suspicion that seemingly innocuous 'guidelines', often justified by appeal to lofty principles, are actually attempts by governments to introduce a degree of press censorship, something which, by their nature, they are inclined to do. It would be unwise, for example, to require journalists to report to the police or a government department or authority when visiting an Indigenous community, for the reason that they may be there precisely to investigate those authorities. However, the scantiness and uncertainty of the current guidelines means that some kind of elaboration is needed.

A test of 'reasonableness'

It may be useful, I propose, to apply a journalistic equivalent of the 'reasonable person' test used at law. The notion of the reasonable person is an invention which represents and measures a certain benchmark for standards in a society. This person's nature is characterised by good and sound sense, judgement and prudence – neither saintly nor deficient. The reasonable person is used, notably, in negligence, where a particular calculus is applied to derive his manners of thought and action,¹¹ and thereby to determine whether the defendant has contravened the required standard.

A similar calculus might, with effort and patience, be devised for journalists. Guiding values belonging to the reasonable journalist could duly be said to include such things as currency, publicity, originality, creativity, truthfulness, knowledge, style, wit, liberty, scepticism, and so on, and perhaps also marketability, novelty, dispute, and entertainment. At the same time, a journalist bears a public responsibility to speak truth to power, to help create an informed citizenry, to alert the readership to social injustices and iniquities; and a private responsibility to consider the protection of vulnerable persons, to encourage the interests of his/her own newspaper or publication, and to take care for his/her own safety and health.

Depending on the field of investigation, statutory obligations could also take effect. For example, journalists may be required to divulge sources of information where to do so is in the interest of justice, like certain cases of defamatory imputation.¹² Some of these values and duties may overlap, whereas others will come into conflict. The private obligation to care for one's safety, for instance, will often clash with the need to cover sensational and distressing news stories – leading to a recent suit by a traumatised journalist against her employer, *The Age* newspaper, in Victoria.¹³ This makes journalistic decision-making particularly difficult, and it is precisely why a test or calculus – rather than a set of guidance – is needed. s

Statements of guidance and protocol tend to be more useful when decision-making is subject to variables which alter in degree, and resolve themselves into contained and definable situations. It therefore becomes possible to recommend a certain course of action for some circumstance x. The APC's Guideline on 'Advertorials'¹⁴ is of this nature: content within a newspaper may be subject to varying degrees of overt commercial influence, including payment for articles, or the publishing of editorial matter in exchange for sponsorship, or in exchange for advertising commitments. Therefore, it is possible to advise, as the Guideline does, that such 'advertorials' carry a label – 'advertisement', 'advertising feature', 'special feature', 'sponsored feature', etc. – alerting readers to whatever circumstance exists between newspaper and sponsor.

Questions of racial reporting, like many other matters of moment, are not so straightforward as this; they are wrought with countermending and contradicting motives which must be carefully measured, using some instrument, against one another. Mere guidance, even if very

detailed, is often ill-suited to the task. Presently, on the matter of race, the only instrument the journalist possesses is his/her own conscience and deliberation. The development of a more systematic and consistent method is thus highly desirable.

The legal calculus consists of four components. The journalistic calculus might, as an initial attempt, be broken down into the four broad categories of, respectively, social or public duties and values, professional duties, private duties, and statutory duties. These categories are not discrete, but interlace and meld into one another, at times tending in the same direction, and at other times pulling apart. Nor is each category or value necessarily of the same weight as the others. And it may be the case that the values, in the context of race, take on a different shade of meaning when compared to other journalistic contexts. In the context, say, of family dysfunction in Indigenous communities, the value of protection for vulnerable persons – normally relatively straightforward to understand – becomes tainted by the historical abduction of Indigenous children (the ‘Stolen Generations’) under the banner of protection, and the tendency of white Australians to make well-meaning decisions on behalf of Indigenous people, which actually serve to reduce their sovereignty and independence. Each application of the calculus would, of course, need to be informed by specific and comprehensive details of the question at stake.

The purpose of the calculus, rather than to prescribe exact decision-making, is to get the journalist to consider all of the relevant variables in a careful and systematic way. It is perfectly possible that, under a complicated set of circumstances, there may be more than one – or indeed multiple – approaches which are all quite reasonable. The reproduction of slurs from an internet post about Jews or Muslims may, under the circumstances, be justified if it stimulates sympathy by the reader; but the omission of such terms might also be warranted if, at the same time, they cause distress to the affected groups. The calculus would, to a large extent, be a thing of trial-and-error, and subject to continued argument and improvement (as is the common law). This is not a weakness but a strength.

Conclusion

The method suggested above is intended only as a sketch, and, at this stage, must necessarily be so. To precisely formulate the calculus will require the input both of academics – primarily to devise the formal and technical requirements, and to store relevant information to be used in future – and also practising journalists, to apply the calculus and generate the experience necessary for it to be a successful tool. Support and assistance from government (including the various offices for multicultural affairs) would also be helpful. Perhaps the critical point to be made is that, when dealing with a matter involving numerous conflicting responsibilities, such as race, any kind of guidance offered is likely to be deficient; what is needed is a test or measure of the conflicting responsibilities which prompts reasonable, consistent action by journalists. Similar to the legal calculus, the ‘reasonable journalist’ test and its principles of application would not be fixed; rather, their essence – and strength – would lie in continued debate and refinement in practice. This test is suited, indeed, to any important journalistic question in which countervailing motives obtain – race being perhaps the most current, and pressing, of them all.

Endnotes

¹ See for example Sercombe (1995); Mickler (1997).

² ‘Reporting of ‘race’’ (September 2001).

³ Para. 3.

⁴ The first guideline in the Guidelines on the Portrayal of Indigenous Australians on Commercial Radio (2017) states: ‘A broadcaster should avoid prejudicial or belittling references to indigenous [sic] Australians. This includes undue emphasis on the person’s ethnicity.’

⁵ See for example Malcolm (2018). Aboriginal English might be considered a dialect of the main tongue.

⁶ The Western Australian Department of Education offers resources through its 'English as an Additional Language or Dialect' programme.

⁷ According to a profile (2021) by the Australian Government's Institute of Health and Welfare, 18% of Indigenous citizens live in remote or very remote areas of the country ('Geographic distribution' section), and identification with traditional language and culture continues to be important ('Language and culture' section).

⁸ See the Australian Broadcasting Corporation's Indigenous Content Guidance Note (2015) (particularly 'Bereavement Practices') and the Special Broadcasting Service's Code of Practice 2021 (para. 5.4.2).

⁹ Alcoholism in Indigenous communities is a very frequently reported subject; see Stoneham et al. (2014).

¹⁰ Journalists may also enjoy certain legal privileges, such as the protection of sources and concessions in libel.

¹¹ The calculus includes the following considerations: first, the foreseeability of harm balanced against the utility of the action; second, the degree of risk thus created; third, the probability the harm will actually occur; and fourth, the availability of other options of lesser risk, and the cost of these options. See for example *Wyong Shire Council v Shirt* (1980) 146 CLR 40.

¹² See the Federal Court case of *Australian Broadcasting Corporation v Kane* (2020) [2020] FCA 443.

¹³ See *YZ v The Age Company Limited* [2019] VCC 148.

¹⁴ No date.

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