



Final Determination

Sandy Anghie v 'The West Australian'

Sandy Anghie has made two complaints against The West Australian newspaper (WAN). WAN is published by West Australian Newspaper Ltd, which is a subsidiary of Seven West Media (SWM). SWM is home to other media businesses including the television network Channel 7.

The complaints relate to four stories which had the following headlines:

Complaint 1:

- (23 September. 2023): *"Here comes Team Sandy at a cost of \$16k"*. (The 'first story').
- (5 October. 2023): *"Keeping her own council? Anghie's donation conflict"*. (The 'second story').

Complaint 2:

- (19 January 2024): *"In another world as storm brews"*. (The 'third story').
- (20 January 2024): *"Anghie making a hashtag of it"*. (The 'fourth story').

The background to the first complaint.

At the City of Perth Council elections on 23 October 2023 Ms Anghie stood as candidate for Lord Mayor against the then incumbent Basil Zempilas, who was seeking re-election. In the lead up to the election WAN gave it extensive coverage and published many stories about candidates seeking positions as Lord Mayor or as councillors. Throughout this period Basil Zempilas was an employee of Channel 7 and regularly writing a column for WAN.



During her campaign Ms Anghie assisted four councillor candidates by paying all costs of a joint mail-out of their flyers with her own. She declared this assistance as an 'in kind donation' to each candidate of \$4,038 (i.e., a total of \$16,152).

WAN's first story reported these donations as *'helping to bankroll' the campaigns of the four council candidates*. It also said this *'coordinated campaign' came 3 years after an Inquiry into the City of Perth exposed dysfunction which caused the entire Council to be dissolved "with factionalism the key driver of that event"*.

The report went on to say that Mr Zempilas, *"an employee of Seven West Media, publisher of The West"* had secured the backing of all four councillors not facing a ballot in 2023. It also disclosed that: *"former Labor government media adviser Mark Reed is running Ms Anghie's campaign. Mr Reed was a very senior spin doctor for Mark McGowan during the height of his popularity"*.

WAN's second story reported that *"Sandy Anghie's decision to bankroll the campaigns of four prospective councillors has given rise to an extraordinary situation that threatens to derail decision making at the council"*. This was because the Local Government Act provided that *"any declaration of a financial or proximity interest made by Ms Anghie will now extend to each of the councillors she has financially backed"*. This meant that if she *"is elected mayor alongside her entire four-person ticket, the nine-person (council) risks being left without a quorum if she is forced to declare an interest"*.

The second story quoted Ms Anghie's spokesman saying it was common practice for candidates in local government elections to save costs by sharing mail-outs of flyers, and that three candidates endorsed by Mr Zempilas had also done this. The report's response was: *"However, Mr Zempilas has not funded any of the trio"*.

Social media posts confirm that Mr Zempilas was actively campaigning for those three candidates whom (along with the four sitting councillors) he described as 'our team'.



Likewise, when Mr Zempilas was first elected Lord Mayor in 2020 he had backed four preferred candidates for election as councillors and included their photos in a flyer. Three of them were elected and continued to be part of his team in 2023.

Ms Anghie has never been a member of a political party, but her 2023 campaign manager was a former Labor government media adviser. In 2023 Mr Zempilas' campaign had political links to the Liberal Party.

The underlying contention of the first complaint is that WAN had a conflict-of-interest reporting on the mayoral election because of its relationship with Basil Zempilas. This meant WAN had to be scrupulously fair and balanced with its coverage, but according to Ms Anghie this was “heavily weighted against her and there was little attempt....to deal with the matter even-handedly.”

It is in this context that we now consider and determine the particular complaints about each story.

The First Story.

Ms Anghie firstly complains it was inaccurate to say she “bankrolled” the four other candidates because that word implies an exchange of money. Dictionaries give varying definitions of the verb ‘bankroll’, but they all have a wider meaning than a simple exchange of money. We consider the report that Ms Anghie was “helping to bankroll the campaigns” of the four candidates was accurate.

The next complaint is that it was inaccurate to report the donations were for “printing, delivery and postage of flyers” (*emphasis added*), because the candidates individually prepared and printed their own flyers. Ms Anghie’s declaration made it clear that the donations covered printing of only envelopes and did not extend to flyers. To that extent the report was inaccurate and painted a different picture to what in fact occurred.

Ms Anghie also objects to the words “coordinated campaign” because joint mail-outs of flyers are common practice amongst competing candidates in local



government elections. In our view the very fact there was a joint mail-out necessarily meant there was to some degree a 'coordinated campaign'. There was also joint door knocking activity and a team of recommended candidates, so we do not consider that description to be inaccurate.

The remaining complaints about the first story can be considered together. These concern the linking of Ms Anghie's 'coordinated campaign' to the history of past dysfunction and factionalism in the Perth City Council, the mention of the Labor connections of her campaign manager, and the lack of any similar analysis of Mr Zempilas' campaign arrangements.

There is a common view amongst the public that political parties should not become involved in local government elections. It is also common knowledge that this does occasionally happen, but it is something generally frowned on. Given the City of Perth's history of breakdown in governance because of factionalism, it can be expected most voters were averse to party-political involvement in council elections. It follows that the reporting of Ms Anghie's possible Labor connections probably reduced her appeal to the electorate.

To provide fair and balanced coverage of these issues WAN needed to give equal attention to Mr Zempilas' Liberal connections. However, it failed to report that Mr Zempilas' campaign manager was a former Liberal Party employee, and that two of his team members were Liberals, including the President of the Perth Branch of the Liberal Party.

There was a similar lack of fairness and balance when reporting the coordinated campaign run by Ms Anghie, but not that by Mr Zempilas. Each of them (to varying degrees) had organized preferred candidates, with how to vote cards, joint mailouts, and tee shirts and caps with candidates' names. But only her campaign was linked to past council dysfunction along with a reminder that factionalism had been 'the key driver' of 'entrenched divisions' affecting 'proper governance'. That linkage and context implicitly invited readers to take an adverse view of Ms Anghie's potential 'friendly voting block'.



There was no equivalent commentary about Mr Zempilas coordinating his campaign with those of other candidates, nor his continuing links with the team elected in 2020. In the context of risks of factionalism, it was not enough to simply report in neutral terms that he had ‘secured the backing’ of the four councillors not facing electors in 2023.

Accordingly, and to the extent indicated in our above reasons we uphold Ms Anghie’s complaint against the first story.

The Second Story.

Ms Anghie claims it was inaccurate to report she had decided “to bankroll the campaigns” of four candidates. This report differed from the first story which said she was only “helping to bankroll” those campaigns. The meaning of ‘bankroll’ (see Oxford English Dictionary) is “*To provide the funding for an enterprise, project, etc.*” In our view readers would reasonably understand the second story to say Ms Anghie was funding the whole or a substantial part of those campaigns, when in fact she had only paid for a single distribution of flyers. For this reason, the statement was inaccurate.

Three of the following complaints can be considered together. These are that it was misleading to report that Ms Anghie’s decision had brought about “extraordinary consequences”, a “donation conflict”, and “an extraordinary situation that threatens to derail decision making at the council”.

In our view WAN drew a long bow with these comments because the ‘consequences’ were contingent on uncertain things happening in the future (including the election of all four candidates who had received donations from Ms Anghie). WAN should more properly have inserted the word “potential” before the words “consequences” and “donation”. However, the accuracy of these statements is to be determined in the context of the article as a whole. The word “threatens” in the first paragraph indicated that the consequences and



conflict had not already happened. For this reason, we do not consider these statements breached the Code.

Nevertheless, there was once again a lack of fairness and balance in reporting. There was no report on the electoral gift Mr Zempilas made in 2020 to the successful candidate Rebecca Gordon, or on the declared gifts amongst the Zempilas team candidates Lezer, Reynolds and Yorke in 2023. Nor was there any commentary on the possible consequences of these donations for ongoing Council decision making.

Accordingly, and to the extent indicated above, we uphold Ms Anghie's complaint against the second story.

The Third Story.

During December-January 2023/ 2024 Ms Anghie, her husband Michael, and young daughter toured Europe on holiday. Ms Anghie was regularly posting photos and details of places they visited on her Instagram and LinkedIn accounts. These posts included comments on matters of architectural interest (which she made as an architect and WA President of the AIA). Although Ms Anghie could have used privacy settings, she chose to place the posts in the public domain.

Mr Anghie was (and still is) CEO of the public company APM which at that time had experienced an unexpected slump in profits and a severe decline in share value. These were issues of considerable public interest because APM was a large supplier of services to vulnerable clients in the early childhood, youth employment, veterans support, disability and aged-care sectors.

On 19 January 2024 WAN published a front-page photograph of Mr and Ms Anghie with the headline: 'TROUBLE IN PARADISE', and the sub-heading: 'THE SPECTACULAR FALL OF 'A-LISTER' COMPANY THAT JUST LOST \$500M IN A DAY'. It referred readers to 'special reports' on pages 8-9 which described APM's



financial woes. A small article on page 9 revealed the Anghie family's European holiday under the heading: 'IN ANOTHER WORLD AS STORM BREWS'.

(The online version of this report was headed: 'MIKE ANGHIE ON EUROPEAN TRIP AS BLOODBATH BREWS FOR APM COMPANY THAT BOASTS MARK MCGOWAN, NEV POWER AND BEN WYATT').

This article read in part:

"According to social media posts by his wife Sandy Anghie, the well-heeled family spent several weeks over the festive period exploring the museums, markets, public art and grand architecture of some of the great Imperial capitals. In Vienna they (emphasis added) described visiting 5 of the city's 100 museums which confirmed it was 'very easy to see why it's ranked the most liveable city in the world year after year'."

The article's final sentence read: *'Ms Anghie is a former Perth councillor who failed in a recent bid to unseat popular Lord Mayor Basil Zempilas'*.

All photographs and nearly all content of the holiday story were sourced from Ms Anghie's LinkedIn and Instagram posts. She complains this was a misuse of those materials and an invasion of her privacy. She asserts she was no longer in the public eye, and reasonably expected private family time while on holiday. WAN improperly intruded on that privacy, unfairly drew her into her husband's business affairs, and held her up to ridicule.

Newspapers have a role in reporting stories of public interest. Sometimes, there is a conflict between pursuing a story in the public interest and intruding on individual rights to privacy. In such circumstances WAN must follow the guidelines set out in SWM's Printed and On-line Privacy Policy (The 'PP').

In the present instance there was an undoubted public interest in WAN reporting that APM's CEO was touring Europe on an extended holiday while his company was in dire trouble. The source of that story was Ms Anghie's public posts, so she inevitably had to be identified to substantiate the report.



The PP provides that: *“Using material that is already in the public domain will generally not be an invasion of privacy”*. There is nothing in the circumstances of the present matter to justify a departure from that general rule. Accordingly, we do not uphold Ms Anghie’s complaint that there was an invasion of her privacy.

Ms Anghie nevertheless complains that the third story also breached the IMC Code of Conduct, and we now address that claim. Her first assertion is that it inaccurately reported ‘they’ (i.e. Mr and Ms Anghie) had described visiting Vienna’s attractions. In our view the word ‘they’ is grammatically linked to the subject of the paragraph – the social media posts of Ms Anghie - and not the couple; and clearly should be understood as such.

Ms Anghie further complains that her LinkedIn and Instagram social media posts were on business accounts mainly concerned with architectural matters; but WAN focussed on personal/social aspects of the posts. Regardless of the rationale behind this contention, the photographs and words used in the article accurately repeated Ms Anghie’s posts and complied with the Code.

Ms Anghie further complains that her daughter was cropped out of published photographs, creating the misleading impression that she and her husband were on holiday without her. We disagree. The cropping complied with the PP which requires children to be protected from media exposure. WAN would have been rightly criticised if it had published photographs of the child when there was no need to do so.

Ms Anghie again complains she has a career independent of her husband and should not have been drawn into his business transactions. While this proposition is correct, Ms Anghie received no mention at all in the story concerning her husband and APM. She was only referred to in relation to the European tour and the fact her posts were the source of that report.

There was also the gratuitous reference to her failed Lord Mayoral bid which, while unnecessary, could be seen as providing context. This bid having been mentioned Ms Anghie claims the report should have disclosed that Mr Zempilas



was employed by Channel 7 and regularly writing a column for WAN. This would be a valid claim if the report had canvassed the relative merits of the former candidates, but the mention of this past election was only a simple statement of undisputed fact.

Ms Anghie complains that the article disparaged her by inviting readers to think less of her because she went with her husband on the holiday, so she should have been given a contemporaneous right of reply.

As already noted, the story about APM's financial issues did not mention Ms Anghie nor impugn her in any way. The European holiday was a separate story and referred to her in three ways: Firstly, the photograph of the couple on page one, which was repeated on page nine. Second, identifying her social media posts as the source of the story, including necessary references which gave that content meaning. And third, the gratuitous reference to her failure to 'unseat popular Lord Mayor, Basil Zempilas'.

We understand Ms Anghie to suggest that some readers might have thought less of her because she went on the European holiday with her husband when arguably he should not have gone. It is not unusual for families to go on holiday while one or more of their members are experiencing problems of some kind. (Sometimes this is the very reason for the holiday). In our view reasonable readers would not have thought it untoward of Ms Anghie to accompany her husband on holiday while he was having problems with APM.

Even if the story did raise an adverse inference against Ms Anghie, we do not believe this amounted to disparagement. Disparage means to 'regard or represent as being of little worth' or 'to criticise someone or something in a way that shows you do not respect or value him, her or it'.

The complaint does not articulate a basis for a finding of disparagement, and we are not satisfied WAN was obliged to provide a right of reply. Nevertheless, we think it good practice to offer a right of reply whenever there is a possibility of a



news report raising an adverse inference, and that it would have been wise of WAN to have done so in the present instance.

For these reasons we do not uphold the complaint against the third story.

The Fourth Story.

On the same day the third story was published Ms Anghie posted a response on her LinkedIn and Instagram pages. It was a relatively mild, rhetorical, sometimes facetious commentary expressing surprise at the extensive coverage of the family holiday. It concluded with the hope that *“whoever wrote the story picked up some sightseeing tips for their next holiday.”* This resulted in several people criticizing the article online.

This in turn resulted in WAN publishing a story in its ‘Herd on the Terrace’ (HOTT) column headed ‘ANGHIE MAKING A HASHTAG OF IT’. It accused Ms Anghie *“the failed Perth Lord Mayoral candidate”* of *“generating righteous indignation”*, and of using LinkedIn to *“stroke outrage about reporting of her designer-label vacation”*. It also named and chided the *“protestors”* who had criticized WAN.

The online version of the article went further with headlines ‘ANGHIE ANGER AS SOCIAL MEDIA BOASTS BACKFIRE’, and ‘SANDY ANGHIE WHIPS UP OUTRAGE...’. Clearly the article was accusing Ms Anghie of deliberately whipping up outrage about WAN’s coverage of her family holiday.

The article concluded with an ‘insider tip’ to Michael Anghie, namely:

“Politely ask your partner to stop pumping out images on social media of you living the high life. Or at least ask them to use the private setting. Failing that, stay at home.”

Ms Anghie complains that the article breached the IMC Code of Conduct in numerous ways. These included an unfair headline, factually distorted descriptions of the family holiday, inaccuracies that her post was “angry” and



“provoked outrage”, the implication from the ‘insider tip’ that she had done something wrong, and the failure to disclose WAN’s conflict in respect of Mr Zempilas.

Ms Anghie also disputes the description of herself as a ‘Dalkieth’ architect. However, it is fair to describe people geographically by where they work or where they live. Ms Anghie’s business is in West Perth, but her home is in Dalkieth. As a matter of common parlance, she was accurately described as a ‘Dalkieth architect’.

In defence of the complaint WAN describes the HOTT column as a ‘satirical and snarky look at the goings on in the top end of town’ which is ‘well known to readers as a gossip sheet with licence to be playful (and) entertaining’. (We understand this to mean that the column should not be taken too seriously).

Even though HOTT is not meant to be read in the same way as normal news articles, it still must comply with the IMC Code of Conduct. Reports must be honest, accurate, balanced, fair, and should not give distorting emphasis. Comments detrimental to a person should follow fairly and reasonably from the facts.

These are all objective standards, and when applied to comments being written in a semi-satirical column such as HOTT the issue is what readers will understand the words to mean. Are they to be taken literally, to be understood as written in jest, or to have some other shade of meaning. Obviously, when the words are personally critical of someone the journalist should take greater care to ensure that their intended meaning is clear.

In the present instance the headline ‘Anghie making a hashtag of it’ was a witty reference to her social media posts. But in our view most readers would also have understood it to mean she had made a mess of her posts. That this was the intended meaning is reinforced by the online headline ‘Anghie anger as social media posts backfire’ and the ‘insider tip’ that she refrain from posting ‘images



on social media of you living the high life'. We disagree with WAN's claim that the headline was 'light-hearted and not designed as a double entendre'.

The story's description of the family holiday was harsh and unkind, but we agree with WAN that a 'festive season jaunt', 'designer label vacation', 'European sojourn' and 'living the high life' were comments which followed fairly and reasonably from the facts.

In our view the fourth story breached the Code in numerous ways. The headline unfairly and inaccurately implied that Ms Anghie had made a mess of things with her social media posts. It also unfairly and inaccurately described her most recent post as 'angry' and intended to stoke or whip up outrage. The paternalistic advice to Michael Anghie about how he should treat his partner would not have caused ripples three-quarters of a century ago but is a strange thing to say in 2024. It also unfairly and inaccurately suggested that by posting descriptions and photos of the family holiday Ms Anghie had done something wrong.

Even if, (as WAN contends) the comments we find to be breaches were simply honest expressions of opinion by the journalist, then they were not opinions which followed fairly and reasonably from the facts.

The overall tone of the article evinced a hostility towards Ms Anghie which we believe readers would have taken seriously. This overall tone left no room for readers to adopt satirical or light-hearted interpretations of the accusations against her.

Finally, the unnecessary mention once again that she was a 'failed Lord Mayoral candidate' was an historical fact. Accordingly, it did not require a declaration of conflict that the winning candidate was an employee of Channel 7 and a columnist for WAN. However, this pejorative comment added to the hostile and unfair tone of the article.

For these reasons we uphold Ms Anghie's complaint against the fourth story.



Remedial Steps.

The IMC does not have the powers of a court or tribunal and is limited in the relief it can direct when there are breaches of its Code.

In the present instance we require WAN to publish this determination in full online, and to also publish a summary which is to be given prominence in both the print and online editions. The online summary is to include a direct link to the full determination, and the printed summary will inform readers where this full version can be found. The wording of the summary is to be drafted by the Readers Editor for approval by the IMC, when we will also specify the page/place of publication.

We recommend that WAN make an apology to Ms Anghie for the damage done to her prospects of being elected Lord Mayor of Perth due to its failure to provide a fair and balanced coverage of her campaign.

Handwritten signature of Peter Blaxell in black ink.

Peter Blaxell
Chairman
Independent Media
Council

Handwritten signature of Jim McGinty in blue ink.

Jim McGinty
Member
Independent Media
Council