

## JRN526 Essay

### Topic:

"Investigative reporting entails not simply the accumulation of factual information but also a careful evaluation of that information to ensure the story outcomes are accurate, insightful and responsible. Even so, the outcomes won't necessarily please everyone and, if properly done, nor should they."

### Investigative Stories I Will Discuss:

- 'I am that girl' - ABC Four Corners. Online text article and video package, published 7 May, 2018. For the purpose of this essay I will only be focusing on the text piece.  
<http://www.abc.net.au/news/2018-05-07/kings-cross-rape-case-that-put-consent-on-trial/9695858>
- 'The Teacher's Pet' - The Australian. Audio podcast series, published weekly from 16 May, 2018 - 17 August, 2018.  
<https://www.theaustralian.com.au/the-teachers-pet>

The purpose of journalism in its simplest form is to produce and distribute reports of recent events, but as the world turns we are confronted with the significance of how investigative journalism is seen with the potential to aid in a number of legal, or otherwise untouchable cases (De Burgh, 2014). The following investigative pieces *I am that girl*, an online article by the ABC's Louise Milligan, and *The Teacher's Pet*, a podcast series by The Australian's Hedley Thomas are just two examples of how this area of journalism has the capability to have a lasting effect on delicate, or unsolved circumstances. The authors uncovered uncomfortable and inconvenient truths in their research but chose to still publish their findings because the discoveries were in the public interest and had the probability of aiding in a possible murder investigation. These two pieces have already achieved profound outcomes in their topic areas, due to their respective authors' research and patience. But any type of journalism isn't short of its critics, and nor should it be. It's important to examine the choices Milligan and Thomas made in the reporting methods of their respective stories. When it came to overcoming ethical barriers, employing specialist sources, and making sure they put forward a compelling argument to achieve their goals, they were able to highlight the importance of consent in sexual behaviour, and help investigate a decades-old missing persons case.

The case of Lynette Dawson captivated the Australian public for 36 years. She disappeared without a trace from her Sydney home in the New South Wales Northern Beaches area in 1982. Lynette's then-husband, Chris Dawson was a teacher at Cromer High School and was having an affair with one of his students, Joanne Curtis. At the time of his wife's disappearance, Chris said Lynette had abandoned the family to pursue a new life with a religious cult and has vehemently denied any involvement since she vanished. Chris Dawson has never been charged by police for the murder of Lynette, despite two separate state coroners, in 2001 and 2003, determining that she is dead and that a "known person", her husband, committed the crime. The Director of Public Prosecutions at the time, Nicholas Cowdery QC said that there wasn't enough evidence to prosecute Dawson (Thomas, 2018). Fast forward 15 years to a recently released podcast by The Australian, *The Teacher's Pet*, which has brought new evidence of Lynette's disappearance and probable murder to a public stage. Hedley Thomas, the investigative journalist behind the podcast, spent six months digging deep into the cold case uncovering never before seen documents and conducting interviews with key witnesses, friends, and specialist sources (Murray, 2018). The 15 episode podcast triggered various calls to re-open the case of Lynette Dawson, as well as the setting up of a police strike force to investigate the historic sexual relationships between students and teachers at high schools throughout the Northern Beaches area (Thomas & Murray, 2018).

Similar to *The Teacher's Pet*, Louise Milligan's investigative piece triggered a national outcry, with a tell-all interview with the woman at the centre of one of Australia's most well-known sexual assault cases. In 2013, Luke Lazarus, the son of the part owner of a nightclub called "Soho" in Sydney's Kings Cross region, was accused of raping a woman and what followed was a criminal battle that carried on in the public eye for five years. Lazarus spent just 11 months behind bars out of what would have been at least a three-year

sentence, because in 2016 the Court of Criminal Appeal ordered a new trial, as it found the original judge had misdirected the jury. A successful application was then made to the district court, for Lazarus' second trial to be 'judge-alone', on the precedent that media reporting would prejudice a jury. Judge Robyn Tupman overturned the conviction, on the grounds that Lazarus didn't know the woman wasn't consenting. In 2017 Judge Tupman was found to have erred in the acquittal, but the Court of Criminal Appeal felt it would be unfair on Lazarus to put him through a third trial, ("R v Lazarus - NSW Caselaw", 2017) and that was that; the case was closed. The ABC's *I am that girl* revisited the above case, overcoming a court suppression order to feature the first ever interview with the complainant: Saxon Mullins. Following the publication of the investigation, a national conversation about what it means to consent to sex was started, and the NSW Government referred the state's consent laws to the Law Reform Commission (Milligan & Carter, 2018).

Both of these investigations largely employed primary sources, by conducting original interviews and using court documents or diary excerpts. Using this research method meant both investigations had more leverage to convince their audience of their respective agendas, because first hand research tends to give any journalistic story integrity and credibility (Kolodzy, 2006). In *I am that girl* there are five key interviews in the published work which illustrated both the recollection of the night by Mullins and key witnesses, and specialist sources to explain why she reacted the way she did during the incident. These interviews were crucial in Milligan's investigation as they added powerful assurance to the point she wanted to present to her audience: the importance of consent, and the confusion surrounding what giving consent actually entails. Thomas used this method in every podcast in his series, recognizing the importance of primary sources, particularly for an investigation such as *The Teacher's Pet*. He conducted more than 100 interviews, many of whom had never spoken as extensively about the case to the media or police. But there was an extra hurdle for Thomas, in that following his initial six month investigation conducting interviews and gathering evidence, his research remained ongoing throughout the weekly release of the podcasts. This was because the primary sources he exclusively obtained opened up new leads in the investigation, which meant certain aspects of his planned story structure had to change.

These specialist sources were a crucial part of both investigations. In the original trial of Lazarus, when he was found guilty of rape, Mullins was questioned on why her story changed from what she told police on the night of the incident, and what she said in court. Her police statement read: "I think at one point I told him to stop", but when giving evidence at the trial, she said she had told him to stop ("R v Lazarus Judgement", 2017). The ABC interviewed Dr Ellie Freedman, an experienced sexual health physician, who provides forensic and medical care to victims of sexual assault. Dr Freedman recounted to Milligan the injuries that Mullins had sustained that night, and offered her expertise as to why her story changed (Milligan, 2018). This explanation provided the evidence the story needed to justify the sympathetic angle Milligan took during her investigation. From a reader's perspective, these sorts of sources give the story credibility because for journalists, credibility is a major professional value. Thomas interviewed hundreds of people for the *The Teacher's Pet*, including several experts such as Peter Lavac, a specialised crime lawyer, and Helen Roebuck, and independent scientist who previously worked with NSW police

(Thomas, 2018). For the authors to invoke such a strong reaction from their audience due to their investigation these sources had to be included, otherwise they lose validity and therefore the interest of the audience.

Using these sources allowed both authors to stimulate personal involvement and fully engage with their audience, but Thomas' and Milligan's works are not without issues. It's worth mentioning some of the concerns that come with using primary sources as the main research method, as they have the potential to jeopardize the outcome of the stories. For example, a weakness of first hand research can often mean it is not a thoroughly objective source and may not consider other views or perspectives of the same events (UTS Library, 2013). This is particularly true in *I am that girl*. While there was an effort made to interview Lazarus, his lawyer, family or friends, they did not feature in the investigative piece and it created an unbalanced story. Milligan ran the risk of her piece being rejected by her audience on the basis of it being biased but chose to publish it anyway, because her aim was not about picking sides, but about educating her audience on the issues surrounding the misconceptions of sexual consent. Thomas openly admits what he believes happened to Lynette Dawson throughout the podcast episodes, which indicates his own bias in the investigation. But compared to Milligan's piece this played more to his advantage because *The Teacher's Pet* has a different intention; it was created to help solve a murder. New evidence has been presented to the police in the aftermath of the podcast series, which is an outcome that is a direct response to Thomas' primary source interviews and never been seen before documents.

Despite the two stories' faults, the outcomes following their publication measure their persuasiveness. *The Teacher's Pet* investigation was so effective that the people who were too reluctant to speak up, due to societal norms at the time, were given a chance to reveal what they knew about the disappearance of Lynette Dawson. In the early 1980's murder linked with sexual misconduct was deemed a taboo subject, but today it's a different story, giving investigative journalists more freedom to expose what was once off limits. As a result of *I am that girl* NSW Attorney-General Mark Speakman "asked the Law Reform Commission to look at the whole question of consent in sexual assault trials" (Milligan & Carter, 2018). These sorts of impacts also demonstrate the relationship the two publications have with their audience. Both investigations had an important goal, but the stories had to continue to be entertaining to garner enough interest to then achieve that goal. Milligan revealed the reason she takes on big investigative stories, is the sense that an injustice had occurred; (Backstory, 2018) a view shared by Thomas, who said the mystery of Lynette Dawson was a "travesty of justice" and the reason he revisited the case (Murray, 2018). Both authors took on delicate subject matters, and in doing so invited their audience to invoke particular feelings regarding their respective investigations including outrage, sorrow and hope.

Both investigations were created on the basis of enormous public interest and the desire to seek truth and accuracy. These themes feature throughout each piece, and there are some key similarities and differences in how the authors presented their stories in terms of structure and content. The biggest difference is the mediums in which these investigative pieces were published; one as a comprehensive audio podcast and one as an online text

piece. *The Teacher's Pet* was released weekly which allowed it to gain national and international notoriety, but it also allowed Thomas to update his narrative week by week as more evidence came to light. In terms of content, he kept his audience in anticipation by creating dynamism through the use of music, audio recordings, sound effects and phone interviews, contrasted with silence and dramatic pauses. *I am that girl* was published on a single date and made use of cinemagraphs, CCTV footage, and highlighted quotes to signify their importance, as well as personal pictures relating to Mullins and Lazarus. While the physical differences are evident, there are language similarities in the story structure of these two pieces which are written to invoke sympathy for the victims. For example, in Milligan's piece, the audience is confronted with differing terminology regarding the names of those involved. Mullins throughout the article was referred to by her first name, but Lazarus is consistently referred to by his last name, which is a media trait often reserved for writing about criminals. Thomas presents his findings to his audience in the same way, which makes sense, as he trying to ensure his agenda - to get the case of Lynette Dawson re-opened - is achieved.

One of the challenges in regards to overcoming legality issues for *I am that girl* involved overturning a suppression order, which concealed Mullins' identity. Milligan had to apply to the NSW District Court to abolish the gag order, which meant contacting Lazarus' legal team. It was also revealed the Lazarus family was initially keen to participate in the investigation, but for unknown reasons Lazarus, his family and friends, and his lawyer all declined invitations for involvement (Backstory, 2018). Milligan said she had received many letters of support following the publishing of the story, and the ABC's Four Corners Facebook page had hundreds of messages outlining how proud they were of Mullins ("Four Corners", 2018). This proves *I am that girl* resonated with people, particularly women, but it is undoubtedly unbalanced and has ethical discrepancies which forced a response from Lazarus himself. He agreed to an exclusive interview with 2GB journalist Ben Fordham because he felt the ABC "purposely did not represent the facts the way the judge found them" (Fordham, 2018). During this interview, Lazarus disputes claims made by Mullins in the ABC investigation and he said they painted him as a guilty man who got away with a crime.

*I am that girl* led Lazarus to believe he needed to take part in a reply interview, but the outcomes of publishing the story outweighed any ethical inconsistency. The choice to publish by Milligan, despite these conflicts is one Thomas makes in *The Teacher's Pet* investigation. The main goal of this piece was to help solve a probable murder, which is why Thomas made the conscious decision to censor certain names throughout the podcast series to ensure any new evidence or information wouldn't be compromised in the ongoing investigation (Thomas, 2018). He obtained material which had the potential to open an investigation into teacher/student relationships at high schools across the Northern Beaches, but made the responsible choice to remove those names, keeping it as a matter for the police; for now. To play the devil's advocate, one could argue Thomas is meddling in an investigation that has caused distress, pain, and heartache for a number of people, for a number of years. The fact remains that Chris Dawson has never been charged for the murder of his wife, and according to one of his daughters, has been the victim of a witch hunt (Coates, 2018). It's an important ethical issue to highlight because despite these

concerns Thomas went ahead with publication. The public interest and desire to seek the truth outweighed any ethical concerns these investigative pieces had, but at the same time a strong effort was made to ensure responsible reporting.

Present journalists have more freedom to explore topics that were once considered taboo or untouchable, and it's been proven they can have a major impact on these particular cases. While it's now acceptable to report and expose these types of stories, it's essential to carry out researching and writing processes pragmatically, to ensure story outcomes are accurate, insightful, and responsible. *The Teacher's Pet* and *I am that girl* upset and confronted many people, but were both in the public interest and needed to be told. Due to the authors' successful journalistic and research approaches, like their use of specialist sources and analytic approach to overcoming ethical barriers, each story challenged the usefulness of investigative journalism in modern society.

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