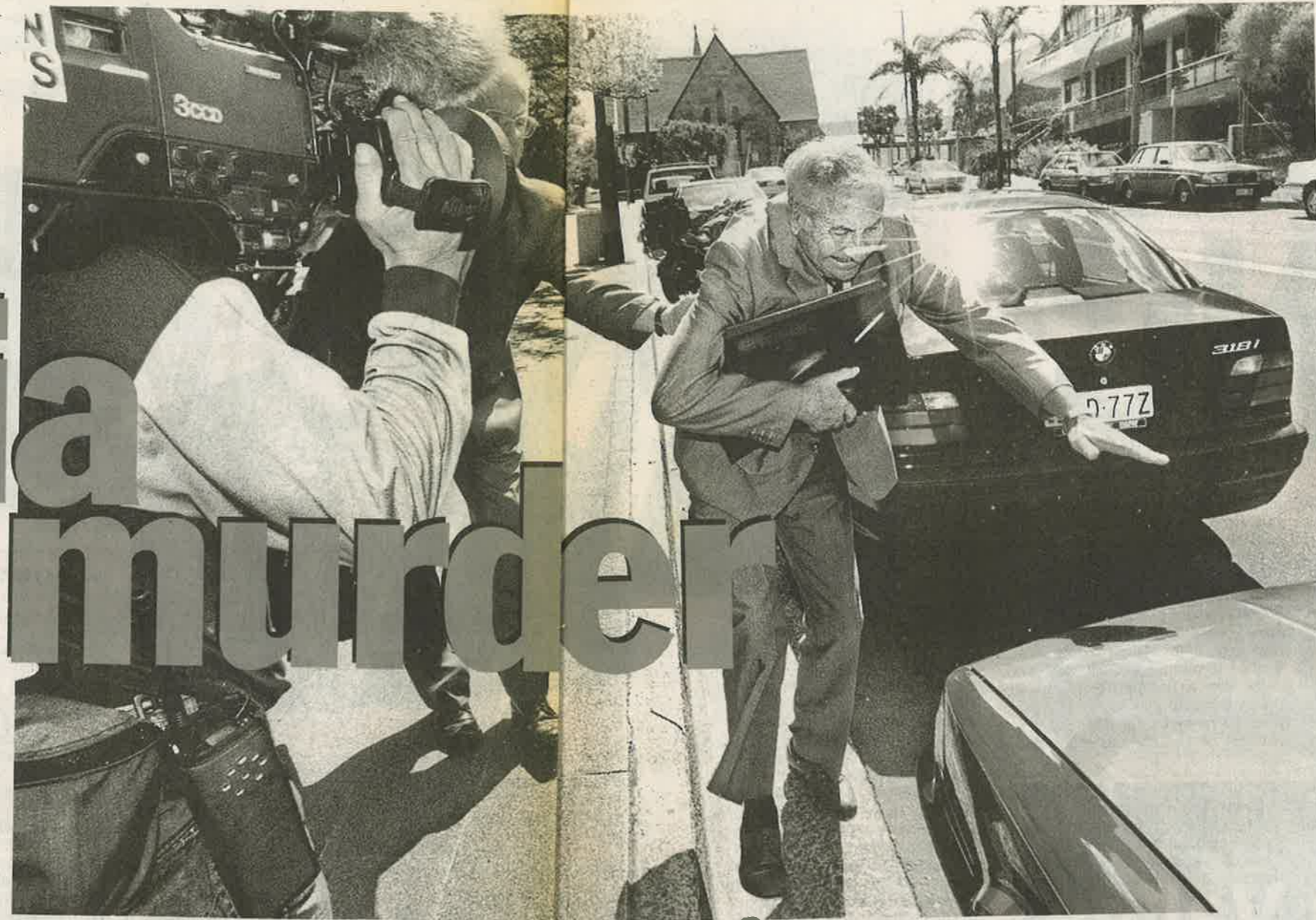


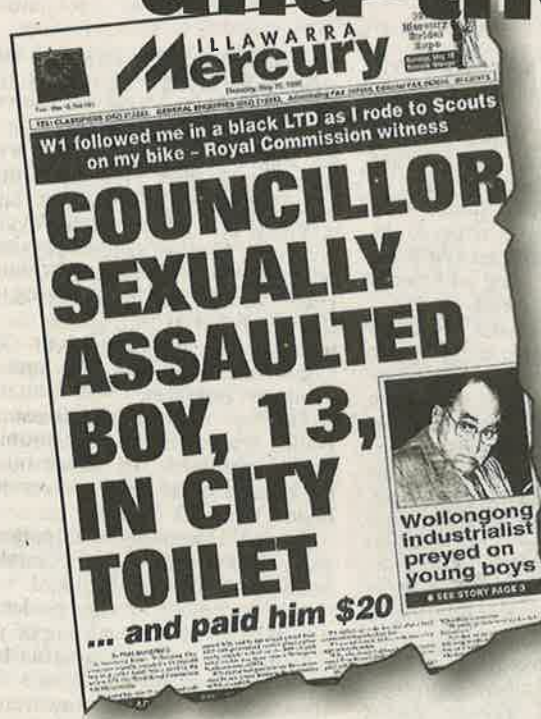


The brutal death of Frank Arkell freed media outlets to go for broke in their coverage of his alleged crimes. **PILITA CLARK** looks at how they handled the story.

# The media and the



Frank Arkell stumbles before the pursuing media as he flees court after being committed to stand trial on sex charges. Top left, Peter Cullen, editor in chief of the Illawarra Mercury, which denounced Arkell on the basis of evidence before the Wood Royal Commission. Main photograph by KIRK GILMOUR.



**P**HILLIP Boulten is not what one would call a media-friendly barrister. He claims, in fact, that in almost 20 years of law, he has never once tried to talk to a journalist. Not, that is, until one of his better known clients, 67-year-old Frank Arkell, was found bludgeoned to death and mutilated in his Wollongong home last Saturday. In a gruesome act of almost biblical symbolism, a Rotary club pin was rammed into one of the eyes of the former Wollongong lord mayor and Independent NSW MP. Tjepins were stuck into

10 and 12". "It was illegal, immoral and life-destroying for his victims." The Illawarra Mercury, the Wollongong newspaper that has campaigned vigorously against Arkell and other alleged pedophiles, produced a special eight-page "Arkell Murder Edition" on Monday. In it, the Mercury's editor-in-chief, Peter Cullen, wrote that the gusto Arkell famously put into his job of boosting what he dubbed Wonderful Wollongong "pales into insignificance compared to the other side of his life". "Arkell's life is over," wrote

"I've had no doubt about Mr Arkell since I sat in the NSW Parliament House dining room [years ago] and saw him sitting with two young boys I thought were his grandchildren," he said. "Even if he had been acquitted it would never have changed my view about Frank Arkell." The Mercury's Cullen was unrepentant about either his harsh epitaph or the crusading journalism his paper had directed against Arkell over many years. "I say quite openly I had no respect for Frank Arkell in life and I don't have any respect for him now," he said. "I'm not going to be a hypocrite." Asked about the prospect that Arkell might have been innocent of the pedophile charges, Cullen

said: "You could argue until the cows come home. We're convinced that he was involved in all the activity. A fair person would probably stand back and say, 'Aha, he hasn't been to his trial yet', but I guess at the end of the day, it only gets back to the opinions of 12 people." The "opinions of 12 people", of course, are at the heart of our jury-based legal system - a system which, while far from flawless, is usually held to be superior to the unpredictable vigilante justice it replaced. Lawyers such as Boulten have an obvious interest in the case. But other members of the legal profession have also been surprised at some of the coverage of Arkell's death.

Bob Toner, a senior counsel and member of the Bar Association's criminal law committee, said: "It's pretty low given he's been tried for things in the press he had walked on before the magistrate." Toner said part of the problem was that reporters who condemned Arkell this week seemed to be relying on evidence given to the Wood royal commission into police corruption, which looked at whether police had covered up or failed to investigate allegations of pedophilia. The commission heard in 1996 that Arkell had sex with a 13-year-old boy in a Wollongong toilet block in the early 1970s after driving there in his mayoral car. It was also alleged he had been

given teenage boys for sex by a former Labor Wollongong lord mayor, Tony Bevan, who died of cancer in 1991. TONER said it was possible that such evidence - which is not subjected to the same cross-examination done in trials - was overwhelmingly true. "But there's also clearly a possibility of some of it being concocted or wrong," he said. In some media reports of Arkell's death this week, however, "it was all hurled up as one great lump," he said. Michael Chesterman, professor of law at the University of NSW, agreed that what appeared to have happened this week was that journalists who believed they knew much more than they had

been legally permitted to print had suddenly been freed of constraint and had swept aside normal caution as a result. "I'm often sceptical of journalists who say they 'know things to be true'," he said. "You want to say, 'Were you there? Are your sources really 100 per cent reliable?' "In terms of an ethical approach, I think to put the boot in without any reference to the fact these things were not proven ... that is not particularly ethical journalism." The Mercury's role in Arkell's life is particularly relevant given it was the newspaper's commitment to investigating the extraordinarily high number of alleged pedophiles in Wollongong which

helped prompt Arkell's embarrassing downfall. Cullen readily admitted there was longstanding enmity between Arkell and the Mercury. "He had been abusing this newspaper for 20 years; he just hated us," Cullen said. "In the early '80s there was a story about how he hadn't paid \$30,000 in rates, and there were land deals and all sorts of things we looked at. He felt it wasn't the right thing [to be doing], to be targeting the Lord Mayor of Wonderful Wollongong, but we thought otherwise, so it ran from there." Meanwhile, the paper began investigating the existence of a child-sex ring involving some of the city's most prominent figures. In the course of the Mercury's investigations, Cullen said, it obtained a copy of what came to be known as the Scorpion tape, an illegally taped phone conversation between Arkell and one of his accusers. "We had the Scorpion tape a lot of years but we didn't do anything with it because quite obviously it was enormously defamatory of Arkell," said Cullen. The tape found its way to certain NSW politicians and, eventually, the Wood Royal Commission. Arkell, who was given the code name of W1 in the commission, failed to give evidence when called, citing illness. But according to Cullen, when the Mercury interviewed him a day later, "he told us he was fine". From that point on, Cullen was convinced of Arkell's guilt. Still, he denies today that his paper brought Arkell down. "I really believe it was the royal commission which did the job on Frank Arkell, more so than the Illawarra Mercury," he said this week. Phillip Boulten disagreed. "The Mercury didn't just sit back and report what they saw happening; they were playing an activist role in what they no doubt thought to be a legitimate exercise," he said. It was part of a new climate of intolerance in Australia, he claimed, in which people can make virulently racist statements, or accuse others of crimes like pedophilia, with no fear of retribution and often with the support of prominent public figures. "I didn't hear too many voices joining me in the last week," he said. And Cullen supported that, saying his views and the paper's coverage of Arkell's death drew not a whisper of dissent. "We've had no criticism whatsoever," he said.

The murder came just days after another Wollongong man, David O'Hearn was found decapitated, his head left in a kitchen sink, his penis slashed and his left hand severed. In December, a Sydney man freed after serving a sentence for a child sex offence, was found dead in Glebe after he was partially disembowelled, with one of his testicles cut off and left in the sink.

But it was neither the appalling nature of Arkell's murder, nor the possibility there is a serial killer at large that made Phillip Boulten change his mind about talking to the media.

It was the way some journalists welcomed, even revelled, in the murder of Frank Arkell, a man who was alleged, but never proved, to be part of a South Coast pedophile ring involving some of Wollongong's most prominent figures.

"I felt that the treatment that the media gave to what has to be regarded, on any view of it, as an unspeakable and inexcusable murder, was completely unfair and uncivilised," said Boulten. "It's just been outrageous. In most instances it's been lacking in any form of judgment or fairness."

The journalist who most upset Boulten was the *Daily Telegraph's* columnist Ray Chesterton.

"However violently Frank Arkell might have died," Chesterton wrote on Monday, "it was not enough. Not nearly enough. We can only hope those last fleeting seconds of his putrid life were as physically painful as the mental and emotional torment he imposed on boys... Arkell's life was extinguished as mercilessly as the lack of compassion he showed towards his victims."

Chesterton's passion may have been unusual; his belief in Arkell's guilt was not.

Alex Mitchell, a senior reporter and columnist for *The Sun-Herald*, described Arkell as a "child-sex predator", a "practising pedophile with an insatiable appetite for boys" whose "depraved tastes involved forcing sex on innocent boys as young as

children. For some of his victims, their lives finished years ago."

Apart from the strident nature of the articles, there was also an issue of accuracy. For example it was repeatedly reported, in this newspaper and others, that Arkell was due to stand trial on 29 child sex offences this September.

Phillip Boulten said Arkell was in fact facing four charges relating to two men, neither of whom was younger than 17 at the time Arkell allegedly drugged them to have sex with them. Most of the 29 charges originally laid against him last year were thrown out by a magistrate during committal proceedings earlier this year.

Few would deny the charges Arkell still faced were very serious indeed, especially given the influential position he held in his community and the trust he was accorded as a result, but this week's coverage was a classic example of the old journalist maxim: dead men don't sue. Much of the reporting that infuriated Phillip Boulten this week could never have been published while Arkell was alive because newspapers would have been fearful of breaching defamation laws and the contempt or sub judice provisions which prohibit public discussion of matters before a court.

But did the fact that Arkell was dead mean the media should suddenly throw all caution aside and declare him guilty?

Chesterton did not respond to a request to discuss his article. But Mitchell said he has no qualms about writing that Arkell had effectively raped boys as young as 10.

Mitchell said he had followed the case for years and got his information from a variety of sources, including the Wood Royal Commission, police, and interviews with men he regards as totally reliable. "I am totally at ease with the statements I made about him," he said, adding that journalists often acquired information "not confined to the narrowness of the legal world", which it was their responsibility to publish when possible.



## OUR JOINING FEE.



Becoming an American Express®

Credit Cardmember is not only free,

it could actually save you money.

Compare this to your current credit

card. There is **no annual fee** for the first year and if you spend over \$1,500 in any subsequent year, we'll waive the

annual fee for that year too. The American Express Credit Card also has one of the **lowest interest rates** currently available

– 13.85% p.a. with up to 55 days interest free. And here's how you save. Become a Cardmember and you'll be able to **transfer**

**the balance** of your current credit card to the blue Card<sup>1</sup> and pay it back at our lower interest rate. But that's just the beginning.

For every dollar you transfer you can earn **Membership Rewards™**

points\* that never expire in one of the most generous rewards programs around. So for the cost of a phone call you could be on

your way to one of the smartest decisions you've ever made.

Call **1300 656 456**. Mon-Fri 8:00 am-7:00 pm EST.

do more  Cards

American Express International, Inc. A.R.B.N. 000 618 208. Incorporated with Limited Liability in Delaware, U.S.A. © Registered Trademark of American Express Company. †Up to your approved limit. \*A \$20 Membership Rewards annual fee applies. OgilvyCRD32/SMH/SA

## Hell's torments finally put the heat on predator

HOWEVER violently Frank Arkell might have died on Saturday at the hands of an unknown intruder, it was not enough. Not nearly enough.

We can only hope those last fleeting seconds of his putrid life were as physically painful as the mental and emotional torment he imposed on boys for a long time.

Hopefully, as his life ebbed away, Arkell came to realise how depraved and debauched his life had been and suffered a moment of contrition.

If he didn't, let us fervently wish the fire and brimstone of the netherworld is inflicting memorable pain upon



RAY CHESTERTON

"We are in the but you don't have scientist to work"

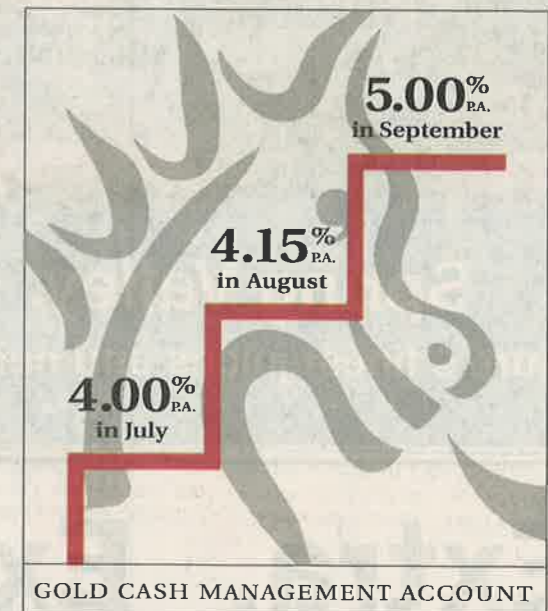
"Not enough..." A Daily Telegraph columnist's vitriolic attack on the dead Frank Arkell.

# How to make your \$20,000 work as hard as \$100,000.

(St.George will take you through it, step by step, by step.)

If you have \$20,000 or more to invest before 31 July 1998, your money could be earning an interest rate usually reserved for investors with much larger deposits. Because if you open a new St.George Gold Cash Management Account, you'll earn a very tidy 4.00% p.a. in July, and if you maintain your balance this will step up to 4.15% p.a. in August, then up to a high 5.00% p.a. in September.

Normally, you'd have to invest over \$100,000 to earn a similar rate, or lock your money away for a fixed term. But with a St.George Gold Cash Management Account, you'll earn accelerated returns from day one while your money's at call. What's more, you can open your



account over the phone by simply calling 13 33 30 and begin earning interest immediately. So call St.George now. And really get your money working.

welcome to st.george

Apply before 31 July. Call 13 33 30.

Terms and conditions available on application. Fees and charges apply. Interest is calculated daily and paid monthly. From 1 October 1998, interest on your account will be calculated at the prevailing Gold Cash Management Account rate. Minimum investment \$20,000. Maximum investment \$500,000. No interest is paid for any day where the balance is below \$20,000. Not automatically available for existing Gold Cash Management Accounts. St.George Bank Limited ACN 055 513 070. STG20977/28x5/SMH.