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Space invaders: A cinematic examination of privacy-invasion and defamation in the Australian media

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Edith Cowan University

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Space invaders: A cinematic examination of privacy-invasion and defamations in the Australian media

Vanessa Jean Barnett

Bachelor of Communications Honours (Film & Video)

Faculty of Education and Arts
Edith Cowan University
26 October 2007
USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.
Abstract

The prime objective of my creative film project and exegesis is to explore the Australian commercial media's unethical treatment of its human subjects, with a particular focus on the issues of privacy-invasion, and defamation. I have endeavoured to produce a short film that prompts the audience to evaluate their own values and attitudes towards an individual's privacy. I believe my research area is significant because acts of privacy-invasion by the media can have serious negative impacts on the life of an individual. Defamation can destroy an individual's livelihood, their standing within the community, and self-esteem. I believe commercial media organisations only trivialize these issues because it is in their interest to do so.

My exegesis is divided into two main sections. The first section will cover privacy-invasion and defamation in Australian reality television, and Australian commercial broadcast journalism. The second section will be a discourse on how the issue of privacy-invasion and defamation in Australian reality television and commercial broadcast journalism is explored through the story, central characters, music and mise-en-scene of my film, Space Invaders (2007). My film, Space Invaders, is both entertaining, and informative, and would be a useful educational tool for students studying journalism at Australian universities that offer journalism as a course of study.
Declaration

I certify that this thesis does not, to the best of my knowledge and belief:

(i) incorporate without acknowledgment any material previously submitted for a degree or diploma in any institution of higher education;

(ii) contain any material previously published or written by another person except where due reference is made in the text; or

(iii) contain any defamatory material.

Signed

26 October 2007

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I would like to acknowledge the following people who have assisted me in the production of my creative film project, Space Invaders. Firstly I would like to acknowledge Thao Minh Ly, who assisted in the development of the script, and in his duties as Director of Photography, and Editor. I would like to acknowledge the services of my Assistant Director and Set Costumer, Emily Marshall, my on-location Sound Recordist Reuben Johnson, Sarah Glenister for her assistance with actor Patrick Doherty’s costume. I would also like to acknowledge the principal members of my cast – Sarana Haeata-McClelland, Patrick Doherty, Sarah Reuben, and Sarah Lawrence. Finally I would like to thank my supervisor, Tanja Visosevic, my family and friends for their support.
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1.0 INTRODUCTION

We live in an audio-visual culture where we need to reflect upon the way in which we engage with screen texts. *Space Invaders: A cinematic exploration of privacy-invasion and defamation in the Australian media* is concerned with how screen texts mean, affect and produce responses from their audiences. The principal purpose of my creative film project and exegesis is to explore the Australian commercial media’s unethical treatment of its human subjects, with a particular focus on the issues of privacy-invasion, and defamation. The “notion of the private”, according to political theorist Donald Hanson (1970), as cited by Richards (2005, pp. 113-114), “delineates a sphere within which we are free to be intimate with others and pursue goals and interests we have without being subject to the public gaze”. “Defamation” (1989), according to *The Oxford Dictionary*, is “The bringing of ill fame or dishonour upon any one; disgrace, shame”. I have sought to produce a film that actively prompts the viewer to evaluate their own values and attitudes towards an individual’s privacy.

When a person’s privacy is invaded by the media, sometimes the result is the public humiliation of that person. This often occurs when still images, audio, or video footage of a person’s private doings are broadcast without their approval. For certain media formats such as reality television, commercial print journalism, and commercial broadcast journalism, the public humiliation of a person is a sure-fire ratings winner (*Big Brother’s* “turkey-slapping”)
incident\(^1\) is a case in point. This ‘winning formula’ relies on all parties (the media, the viewers, and in the case of reality television, the ‘subjects’) having something in common – a complete disregard and disrespect for an individual’s privacy.

My film aims to represent the issue of privacy-invasion and defamation from a variety of perspectives, however the film has been written from an informed viewer’s perspective. \textit{Space Invaders} aims to speak about the media, through a set of characters who represent those who consume it, produce it, participate in it, and therefore contribute to it. I believe \textit{Space Invaders} is a film that causes the spectatorship to assess their values and opinions towards an individual’s privacy, encouraging them to reflect on whether their attitudes were formed independently, or whether they were influenced (either consciously or unconsciously) by the media.

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\begin{enumerate}
\item This incident (which occurred in the Australian \textit{Big Brother} house during 2006) involved a male \textit{Big Brother} contestant forcefully rubbing his genitals on the face of a female contestant while another male contestant restrained her. According to \textit{Oztam (2006), Big Brother Live Eviction} show jumped from number 20 to number 7 in the ratings during the week that the ‘turkey-slap’ incident occurred.
\item As opposed to informal opportunities such as writing a letter to the editor, or more modern approaches such as discussing your views on an internet blog or forum.
\end{enumerate}
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2.0 PRIVACY-INVASION AND DEFAMATION IN THE MEDIA

Elspeth Probyn and Catherine Lumby (2003), co-editors of *Remote control: New media, new ethics*, proclaim that one of the goals and ideals of ethical media practice in Australia is “the right to privacy” (p.2). However, as there is no Bill of Rights in Australia, and therefore an individual’s “right to privacy” is not legally constituted in Australia, one could argue that this is a fairly difficult statement to agree with. It could also be said that ethical media practice is rarely one of the goals and ideals of the average Australian commercial journalist. This is not to say that the average Australian commercial journalist is habitually unethical in their day to day work activities. However, when they are forced to choose between getting a good story, and respecting an individual’s privacy and dignity, the ethical choice is rarely made. Martin Hirst and Roger Patching (2005), authors of *Journalism ethics: arguments and cases*, state that “the news media can sometimes seem quite callous in its disregard for the privacy of individuals, but realistically a journalist cannot do their job unless they ‘invade’ the privacy of people on a daily basis” (p.170).

In “Media Ethics”, a chapter from Stuart Cunningham and Graeme Turner’s *The Media and Communications in Australia*, Catherine Lumby (2006) argues that technology is aiding in the restoration of the balance of power between media producers and consumers:

> If you listen to what the media have to say about themselves, then media ethics have never been in worse shape. And there is certainly no question that, in its diversity and reach, our post-modern media sphere raises a host of ethical challenges for producers and consumers. Yet, as we’ll see, the emergence of new genres and technologies are challenging many of the conventional frameworks for understanding media ethics and offering consumers new opportunities for resisting and responding to abuses of power by producers. (p.303)
As it currently stands in Australia, the only formal opportunity for “resisting and responding to abuses of power by producers”, according to the FreeTV Australia’s Code of Practice (2007) is to lodge a written complaint with the offending broadcaster, and wait 30 days for their response. If you are not satisfied with the measures the broadcaster has taken to resolve your complaint, only then are you permitted to forward your complaint to the Australian Communications and Media Authority. In a national survey conducted by Newspoll in January 2007, 22% of respondents had seen material broadcast on commercial television “that caused offence/concern” (cited in ACMA, 2007, p.59). This would mean (if the complaints process was more user-friendly and efficient), nearly four and a half million Australians would have lodged a formal complaint to ACMA between January 2006, and January 2007. According to the Australian Communications and Media Authority (2007), there have only been a total of 3,834 complaints since 2001 (p.76).

The media, in my opinion, still dictate the consequences of their practices, with very little power placed in the hands of the public. In response to Lumby’s assertion that technological advancement provides viewers with new avenues to hold media producers accountable for abuses of power (2006, p.303), the media does not seem to mind if their spectators disagree with their practices, just as long as they keep watching. If you are offended by the conduct of a Big Brother contestant, “technological advancement” has provided you with an opportunity to cast an SMS vote to evict them. However, there is little evidence that this course of action will in any way hold the producers of Big Brother accountable for their “abuses of power”. By taking this approach the viewer is financially rewarding the program for their “abuses of
power”, because the program receives a significant portion of the charges incurred by casting an SMS vote.

2.1 Privacy-invasion and defamation in reality television

The *Oxford English Dictionary* (2001) defines reality television as “television programmes that focus on non-fictional subject matter, primarily with the aim of providing entertainment rather than information”. This section will cover reality television’s attitude towards an individual’s privacy. I will aim to profile the genre of reality television as a format, as a form of entertainment, and as a cultural phenomenon. According to Probyn and Lumby (2003), the appeal of television can often be its ability to provide dramatic representations of the “everyday”:

> Television increasingly feeds on the everyday, repackaging the rituals, aesthetics and dramas of everyday life. At the same time, this everydayness co-exists with television’s extraordinary capacity to influence public perceptions of individuals and events. (Probyn and Lumby, 2003, p.12)

Often these dramatic representations of the everyday involve selective editing, and subjecting the participants of reality television to extreme forms of stereotyping. This stereotyping does influence public perception. On the website *Behind Big Brother* (2007), fans are invited to submit digitally manipulated graphics of *Big Brother* housemates. *Big Brother* housemate Emma (whose father passed away while she was in the *Big Brother* house) is depicted as Miranda Richardson’s character Jude in the film *The Crying Game*, and is superimposed into the movie posters for the films *Shallow Hal* (which is digitally retitled “Shallow Bitch”), *Legally Blonde* (which is digitally retitled “Bitch Blonde”), *Showgirls*
(which is digitally retitled “Ho Girls”). The majority of graphics featuring contestant TJ characterise her as a “mental patient”. The website editor accompanies one of these graphics with the comment “Don’t worry…it’s what we’re all thinking” (vibes, 2007). According to Behind Big Brother (2007), a number of these digitally altered graphics were also published in Zoo Magazine. The publication of these images is an unconventional, clear case of defamation.

2.1.1 ACMA’s Reality Television Review – A Brief Analysis

Author Lumby (2003) describes the opportunity for viewers to “scrutinise” those who choose to participate in reality television as one of the main attractions of this genre. Lumby writes that “there’s no question that reality television requires participants to submit themselves to a high level of public scrutiny and that one of the central appeals of the genre lies in the opportunity it affords viewers to scrutinise the ordinarily private behaviours and responses of others” (p.19). The attitudes that Australian viewers have towards reality television, and those who choose to participate in it are detailed through some recent findings contained in

4 Zoo Magazine is an Australian men’s magazine.
the Australian Communications and Media Authority’s *Reality Television Review*\(^5\) (ACMA, 2007).

According to a survey conducted by Newspoll (cited in ACMA, 2007), when respondents were asked what they enjoyed about watching reality television, 6.5% of respondents enjoyed “observing real people doing everyday things”, 13.7% enjoyed the spontaneous, unscripted “reality” of real people on reality television, and 3.7% enjoyed watching reality television because it showed them “how stupid people can be”. If these percentages are combined with the 7.2% of respondents who simply enjoy “watching people”, this survey reveals that 31.1% of the respondents enjoy watching what “real” people are *really* like (p. 171). Only 234 out of 3551 respondents (6.59%) had seen any material on reality television programs that had caused them any concern. Interestingly, almost half (40.6%) of respondents thought sexual content on reality television should be shown at a later timeslot, while only 3.1% of respondents thought the “turkey-slap” incident should be shown at a later time (p.74).

As an act of “public consultation” (2007, p. 86) the public was invited by ACMA to produce submissions detailing how they felt about reality television. There were three submissions from industry bodies (all with vested interests in the continued production of reality

\(^5\) The *Reality television review* (ACMA, 2007) was commissioned by the Australian Government after the infamous *Big Brother* “turkey-slap” incident.
television programs), eight submissions from community organisations, 169 submissions from individuals, and two submissions from both an academic and a politician, respectively. There were 184 submissions in total, and only nine (all three industry submissions, both academic submissions and only four individual submissions) of those were positive in nature. The other 175 submissions expressed concerns about the content of certain reality television programs (namely Big Brother), in consideration of the fact that the core demographic of such programs are minors. Despite these largely negative written submissions from the public, ACMA (2007) has concluded that a formal industry standard under the Broadcasting Services Act is not required. However, ACMA has conceded to providing a “recommendation” that there should “be a clause included in the Code that prohibits the broadcast of material presenting participants in reality television programs in a highly demeaning or exploitative manner” (p.7). Time will tell if reality television producers are going to take this “recommendation” seriously. So far, there has been evidence to the contrary.

After ACMA’s Reality Television Review was published, Big Brother producer Kris Noble (2007) described the decision not to air Big Brother Adults Only in 2007 as a “mistake”. Noble told Australian Associated Press “it was a mistake not to have it on… not seeing what the other half of these people are really like has been one of the biggest problems.” This statement definitely infers that “it was a mistake” to take ACMA’s Reality Television Review’s recommendation seriously. The lack of regulation in the Australian media is discussed with intelligence and wit in “The Invisible Man”, an episode from the first series
of the groundbreaking Australian comedy series, *Frontline*. According to *Frontline* executive producer Brian Thompson (Bruno Lawrence):

The Broadcasting Authority is a myth. To get a complaint heard you’ve gotta [sic] write to us – not phone, write. Rules out 70% of the population. We’ve got 60 days to respond, which we’ll definitely let go by. By that time these galahs [sic] won’t even remember what they were originally complaining about and the ABA can’t do a thing. Self-regulation is a joy, Michael. (Cilauro, Gleisner, Kennedy and Sitch, 1995, pg. 117)

Considering that, despite the Prime Minister himself requesting on Macquarie Radio that “Channel Ten practice a little self-regulation and get that silly program (*Big Brother*) off the air” (Sydney Morning Herald, 2006), *Big Brother* is defiantly preparing for its eighth season, one might find it interesting that ACMA considers regulation of reality television programs unnecessary.

### 2.1.2 *Big Brother* – a moral and ethical examination

One could argue that the *Big Brother* house is not a private space, it is a “performance space” (defined by *The Oxford Dictionary* (2003) as “an area in which a performance takes place”), surrounded by cameras. However, one could also argue that the *Big Brother* house is specifically designed to cause the ‘housemates’ to forget that the house is what John Edward McGrath (2004), author of *Loving Big Brother: Performance, privacy and surveillance* describes as “the performative space of surveillance” (p.13). It would be very difficult to maintain a constant awareness that your every move is being filmed, edited and broadcast when you cannot even see the cameras that are filming you, as they are either small,
unobtrusive surveillance cameras, or hidden behind two-way mirrors. This ‘performative space’ both looks and functions largely like a regular house. Lumby (2003) writes:

The hidden camera technique used so much by current affairs in the 1980s and 1990s has been extended in reality TV – the camera isn’t hidden in the sense that the participants are unaware of it, but they often begin to act as if they’ve forgotten it’s there. (p.14)

In the case of Big Brother, I believe this lack of constant awareness is not always an “act”. The more unaware the ‘housemates’ are of the cameras, the more uninhibited they become. This lack of inhibition is often induced by the producers introducing elements such as alcohol, and ‘tasks’). It is often the behaviour and actions that the ‘housemates’ would feel embarrassed about the whole nation being privy to that ends up on the Big Brother Daily Show (a 30 minute summation of the previous 24 hours of surveillance footage from the Big Brother house). In some unfortunate cases (such as Big Brother housemate TJ’s emotional response to being “dumped on national television” (Noble, 2007) by fellow housemate Bodie), sometimes a ‘housemate’ is defined by such an incident – in the eyes of a large number of Australian viewers.

One of the major issues surrounding Big Brother, as well as reality television in general, is the issue of informed consent. The fact that “informed” consent is acquired from the participants before a reality television program begins production, is an aspect of the process which not only legally favours the producers, it puts the participants at a clear disadvantage. According to Larry Gross, John Katz and Jay Ruby (1988), authors of Image ethics: The moral rights of subjects in photographs, film and television, only the producers ever have full knowledge of how a consenting participant will ultimately be depicted in their work.
A standard complaint about what might be called “consent strategies” relies on the notion of knowledge. I may think that I am protecting myself (or that there is nothing to protect myself against) when these people actually have tricks up their sleeves I can’t even begin to imagine. (p. xiii)

During the second week of its seventh season in Australia, the participants or “housemates” of reality television program *Big Brother* were required to do a “task”\(^6\). This particular task involved housemates being assigned an ‘infant simulator’, a synthetic infant designed to mimic the behaviour and physiological needs of a human infant. Infant simulators are designed both to prepare expectant mothers for motherhood, and to deter young teenagers from teenage pregnancy. *Big Brother* housemate Kate was assigned this task despite recently losing her own unborn child at 30 weeks to pre-eclampsia (and, according to the *Geelong Advertiser* (2007), advising *Big Brother* about this tragic incident prior to entering the house). As she did not want to discuss this highly private matter with people she had only known for a few days (not to mention the entire country), she decided to proceed with the activity. On the third night of this weekly task, Kate was so traumatised by her situation that she advised *Big Brother* (in the *Big Brother* ‘diary room’) that she was unable to complete the task. *Big Brother* asked her to state the reason for her refusal to continue, even though *Big Brother* was already aware of the reason for her distress. Reluctantly, Kate told *Big Brother*, her fellow housemates, and consequently the Australian public about her private tragedy.

\(^6\) *Big Brother* weekly “tasks” are designed by the *Big Brother* production crew in order to receive a reward, and avoid the consequences of failing their task (which include the loss of food items, toiletries, hot water, bedding, and in some cases, nomination for eviction).
In the *Big Brother* diary room, Kate (cited in Kate: Online diary entry, 2007), tearfully told “Big Brother” that “deciding to tell the house about losing my baby was incredibly difficult, because it is such an intensely personal story... knowing that the outside world was watching only made it harder; there are friends I have met recently who do not know this about me, and I feared they would be hurt.” Big Brother host Gretel Killen espoused on *Big Brother Live Eviction* (cited in The Eye7, 2007) the following Sunday night that the entire affair “was such an extraordinary thing that we could never have anticipated”. Is it not reasonable to anticipate that someone who had recently suffered the loss of a fully developed unborn child might find being required to be a mother to an ‘infant simulator’ on national television more than a little distressing? According to The Eye (2007), there was nothing unanticipated about the *Big Brother* “baby task”.

It was neither extraordinary ...or unexpected. For us, it was, maybe – if you’re the kind of person who is shocked by *Big Brother* scraping the bottom of the barrel to get drama. But we were all to believe that the secret was a secret not only from us, but from the show – exploiting that the audience really can’t grasp the knowledge the show had and how they knew to use it.

The original tagline of *Big Brother* was “*Big Brother* is watching”. Now, seven seasons later, not only is *Big Brother* watching, so are we. We have (via internet and mobile streaming technology) had access to 24 hour surveillance of the *Big Brother* ‘housemates’ for quite a few years now, and we have developed a taste for it. It is official, we like to watch. Now,

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7 The Eye the alias of media commentator Aaron Darc.
unbelievably, it seems we want more. During this year’s promotional campaign for Big Brother, the television spots were appealing to our desire to see the Big Brother ‘housemates’ subjected to new, exciting forms of deprivation and discomfort (one example of severe deprivation and discomfort occurred during the set group task in the fourth week of the series when housemates were only allowed 21hrs of sleep for the entire week). For this to be considered entertainment I believe stimulates, and highlights, the development of a lack of empathy in those who deem it to be entertaining. In 2007, it would be harder to live in the Australian Big Brother house than ever before, the promotions promised, and “what Big Brother promises, he delivers” (Noble, 2007).

2.2 Privacy-invasion and defamation in print and broadcast journalism

Stuart Cunningham and Toby Miller (2006), authors of Contemporary Australian Television, state that “news and current affairs have lost their aura of truth” (p.39). However, if you were to assume that the majority of Australian television viewers are too ‘media savvy’ to believe that current affairs journalism provides an overall fair representation of their subject matter, you would be wrong. In a recent Newspoll survey, it was found that only 2.5% of the 3551 Australian viewers surveyed believed that they had seen any material in a news or current affairs program that was biased or unfair (ACMA, 2007).
When it comes to ethical conduct in the Australian media, there seems to be a consensus from journalists, and that is that there are too many lines to toe. Former journalist turned academic Lumby (2003) writes:

Faced with the reality of deadlines, frenzied competition for jobs, and continuous pressure from above to keep the ratings up and the costs down, it’s no wonder that few media producers spend their time worrying about abstract, regulatory codes or ideals... Yet the very reason such codes are often derided or ignored by journalists is that they fail to take account of the realities and complexities of popular media practices. (p.2)

However, one must remember that the reason why journalists resent ethical codes is because they make it harder for them to do their job. In “popular media practices”, doing your job can often result in the negative portrayal of a human being in the press. When what you do for money has a direct impact on others, then regulation of your work practices is arguably necessary. Journalists have the capacity to injure somebody’s professional and/or personal life. It is not right, in my opinion, that journalists are complaining that this is not easy enough to do. One could in fact argue that there are too many loopholes in the regulation of Australian media. One of the widest loopholes has to be the legal defence for defamation in Western Australia, Victoria and the Northern Territory. Lingdren and Phillips (2002) state that if the defamatory statement you publish in these states is true, whether or not it is a private and highly sensitive manner, then “truth alone is a complete defence” (p.227). The defamatory statement does not need to pertain to an area of public interest.

The most consistent, reliable ‘watchdog’ of the Australian media is the Australian Broadcasting Corporation’s (ABC) media analysis program Media Watch. But even Media Watch gets it wrong sometimes, and in the worst possible way. When Media Watch is guilty
of even the slightest inaccuracy, they get roasted by whoever they have wrongfully accused on a program or in a newspaper that the general public actually watch, listen to or read respectively. So programs like Today Tonight can (and do) return fire at Media Watch, by attacking their credibility, so it matters less when they actually get it right (which is most of the time). On national television, former Today Tonight host Naomi Robson asks “how is Media Watch allowed to get away with making vexatious allegations time, and time again?” (Mitchiev91, 2006). I believe it is the same reason why Today Tonight are “allowed to get away with making vexatious allegations, time, and time again” – the Australian media industry is not sufficiently regulated.

2.2.1 Current affairs and the art of naming and shaming

In August 2007, Dylan Howard, a 7news sports reporter was approached by an as yet unidentified female, who had acquired the medical records of two Australian Football League (AFL) players. According to the ABC News website (Australian Broadcasting Corporation, 2007), the “source” claims she found them “in the gutter” near the drug rehabilitation clinic where they originated. The unidentified female approached the reporter with the clear intention of selling him the records. Howard purchased the documents, then used the information contained in the confidential documents to produce a story which was broadcast on the evening edition of 7News on August 24, 2007.
The response to the story involved many adverse reactions from various parties. In an article posted on the *ABC News* website ("AFL players to boycott Seven interviews", 2007), a number of AFL players chose to boycott the Seven network by refusing to answer any of the questions from Seven sports reporters at press conferences immediately following the broadcast of this story. The AFL filed a Supreme Court injunction against Channel Seven, to legally prohibit Seven from identifying the two AFL players mentioned in the allegedly stolen documents. Channel Seven headquarters was raided by police, who had obtained a search warrant after they received information about the Seven network being in possession of stolen medical records. As a result of the raid, the Seven network provided police with the identity of the woman who sold them the medical records. The woman was arrested and charged with selling stolen property. Currently the Seven network has yet to be charged with an offence relating to this incident.

During a *7news* report only a few weeks earlier, according to *Herald Sun* reporter Mark Stevens (2007), Howard publicly named Michael Braun as the anonymous football player Jason Akermanis accused of using illicit substances in his *Herald Sun* newspaper column. In his *Geelong Advertiser* newspaper column, Howard (2007) communicated his grievances about the lack of privacy afforded to Australian citizens by the Australian media, by attacking the privacy of Australian citizens who happen to be AFL football players. Howard writes “The (illicit drugs) policy has also faltered because anyone who has tested positive is not publicly punished or declared as a user until a third offence. You or I don't get that benefit in life”. Perhaps Dylan Howard would be interested to know that the publication of
information acquired from stolen private medical records is prohibited no matter who they belong to.

One must not assume how many ticks of approval a news story must receive before it goes to air. Regardless of how many or who gave the AFL medical records story approval, at least one (very accountable) staff member at Seven cleared this story for broadcast. Howard’s lawyer Andrew McKenna told ABC News (2007) Howard “reported the story because he believed it was in the public interest to do so and he reported it with the concurrence of his employer and after taking senior legal advice.” The story went to air, which simply could not have occurred if everyone involved had followed the Media Entertainment and Arts Alliance’s Code of Ethics. The code, as cited by Mark Pearson (2007), author of The journalist’s guide to media law, stipulates that journalists must “use fair, responsible and honest means to obtain material” (p.438). Howard knew who the source was, where the information came from, and how the source obtained the information, which was allegedly not by “fair, responsible and honest means”. This is because, according to Chris Frost (2003), author of Reporting for journalists, publishing information taken from stolen documents falls into the same category as “taped recordings of phone calls or bugged conversations” (p.46). According to Peter Meakin, head of News and Current Affairs at the Seven network, the information was deemed to be of such high public interest, that the importance of the information would override the questionable nature in which the information was obtained. In an interview with Mediamwatch host Monica Attard (2007),
Meakin stated that "the primary issue is drugs in sport and you know medical confidentiality is a secondary factor."8

2.2.2 Today Tonight vs. The Corbys: A brief case study

In an interview with Claire Weaver (2007) of The Sunday Telegraph, Craig MacPherson, the executive producer of the current affairs program, Today Tonight, admitted that they employed a private investigator to contact Mercedes Corby, the sister of convicted drug smuggler Schappelle Corby. In order to lure her to a five camera ambush outside a fast-food restaurant, according to MacPherson, the private investigator allegedly identified himself as an official from the Department of Foreign Affairs and Trade who was in possession of secret legal documents that could "help" her sister’s case. In the same newspaper article, Mercedes Corby alleges that the private investigator told her that he received the confidential documents from Australian diplomat Elizabeth O’Neill, who had died in the Garuda airlines aeroplane crash a few days earlier. The private investigator (who refused to be named) was

8 This situation bears strong similarities to my character Wendy’s quest to expose Les Guy’s highly unethical artistic practices in my film, Space Invaders. Wendy was convinced that what she was exposing was so important to the interests of the public that she had to expose Les by any means necessary. Perhaps as Wendy was a young, inexperienced journalist, she was too deeply entrenched in the pursuit of Les Guy that she failed to detect the ironic hypocrisy of her actions.
quoted by Weaver (2007) as saying "I don't believe I am ethically immoral by telling lies to people like her to get her in a position where you can confront her".

In his newspaper article about this incident "Code of ethics the first casualty", published in *The Sydney Morning Herald*, journalist Michael Idato (2007) compared *Today Tonight* host Anna Coren to *Frontline* character Brooke Vandenberg when commenting on the manner in which she defended the actions of *Today Tonight*. The defence Coren provided was that as *Today Tonight* had outsourced their highly unethical practices to a private investigator who acted on their behalf, they had in no way contravened any codes of conduct and ethics, because the code of ethics for private investigation and current affairs journalism are different. “Newsflash, Anna - no, it isn't.” wrote Idato. “Who needs Frontline, when you have Today Tonight?”

One could certainly argue that in the early nineties, when esteemed journalist Jana Wendt quit hosting *A Current Affair*, allegedly because the program’s journalistic standards had rapidly declined, Australian television needed *Frontline*. Even though *Frontline* was a fictional television series it certainly achieved an accurate representation of what it is like behind the scenes of a current affairs program. Dennis Pryor, of *The Age* (cited in Cilauro, Gleisner, Kennedy & Sitch, 1995) writes that “the extraordinary quality of Frontline is that it is more accurate than most documentaries” (p.i). *Frontline* was truly a pioneer of Australian comedy, a groundbreaking television series, hallmarked by its often hilarious take on the serious shortfalls of the Australian commercial current affairs industry. I believe it is through
Australian's lack of media regulation that Frontline remains an accurate portrayal of the Australian commercial current affairs industry.
3.0 HOW THE ISSUE OF PRIVACY-INFRINGEMENT AND DEFAMATION IS EXPLORED IN SPACE INVADERS

My creative film project, Space Invaders, is a cinematic exploration of privacy-invasion and defamation in the Australian media. In my film, Wendy Martin (played by Sarana Haeata-McClelland), a recently graduated journalism student, decides to commence a freelance investigation into the artistic practices of Les Guy (played by Patrick Doherty), after noticing a common link of voyeuristic imagery in his work. Les is a new artist who has had a recent run of success and critical acclaim. In order to gather evidence that reveals what she suspects Les of, she herself feels compelled to resort to highly questionable journalistic practices.

My film is titled Space Invaders because both of my central characters, Wendy and Les, at some point during the narrative, invade the private space of an individual in order to accomplish what they are trying to achieve. Controversial painter Les becomes a 'space invader' in his 'quest' to capture his subjects when they are alone in their private space because he believes this is the only way an artist can provide an accurate representation of a human being, and Wendy becomes a 'space invader' in her quest to expose Les as being a pervert, not an artist. My film illustrates, through its two central characters, how media genres such as reality television and current affairs journalism can distort a person's view of what is and isn't an appropriate way to treat a person. I believe both media genres undervalue the importance of someone's personal image and reputation. My research topic has been explored in my film using the four following film elements – story, central characters, music and mise-en-scene.
3.1 Story

The story of my film is an element I placed significant emphasis on during the process of writing the screenplay because it would provide me with many opportunities to discuss my research topic. The story of *Space Invaders* is essentially a microcosm of the Australian commercial media. Wendy commences her freelance investigation, introducing herself to Les as an inexperienced documentarian. Wendy approaches Les about making a documentary profile of him and his art in response to his request for expressions of interest. This aspect of my proposed film’s premise is partly inspired by the French mockumentary *C’est arrivé près de chez vous (Man Bites Dog)* (Belvaux and Bonzel, 1992), where a man who likes to commit murder invites a documentary film crew along to document his escapades.

The scene where Wendy chooses to resort to secretly filming Les in order to expose his activities, I believe, adds extra complexity to the exploration of surveillance and privacy-invasion in *Space Invaders*. The meaning behind Wendy’s actions lies within her decision to commit the very actions which she suspects Les of doing. The very actions which caused Wendy so much moral and ethical concern, that it led her to the decision that she would investigate Les. The irony is, that if she actually dug a little deeper, if she refused to take Les’ word and continue investigating him, she would have found out that he was lying to her, that she was right all along, and most importantly she would expose his criminal activity, which is most definitely a matter of public interest. By the same token, one could also assert that the information that Wendy ended up with would definitely be a matter of public interest.
— that Les could legally get away with what he was doing, that his models were more than happy to participate, that he felt compelled as an artist to pursue these activities in the first place; and finally (and some would say most importantly) that his art is not esoteric, lurking in the fringes of obscurity; it is very popular, highly sought after, and critically acclaimed.

There were a number of far more ethical ways Wendy could and should have gone about investigating Les. The first mistake Wendy made was presenting herself as a documentary filmmaker, instead of the investigative journalist that she really was. This is one of the fundamental codes of journalistic practice — you must identify as a journalist before you can legally elicit publishable information from an interviewee. Failure to do so (if the information is published) is an act of subterfuge, which can then lead to an act of defamation. For an interviewee to be legitimately considered as such, they must be aware that they are being interviewed. Is a journalist’s failure to secure an interviewee’s consent for an interview akin to a person being watched and filmed without being aware of it? No, according to Gail Phillips and Mia Lingdren (2002) authors of *The Australian Broadcast Journalism Manual*:

> It is illegal to record a conversation or an interview without the talent’s consent, whether it is being done by telephone or in person. However, you can film people without getting their permission. You can also film someone’s property, as long as you’re not trespassing on it. (p.169)

Ultimately it transpires that it is both Wendy (who committed an act of subterfuge) and Les (who was trespassing on Wendy’s property during the final scene) acted illegally during the course of the film.
3.2 The Characters of Space Invaders – a Moral and Ethical Examination

Each central character represents a particular role in the production and consumption of the media industry, with a varying moral and ethical stance. Wendy represents the media, Les represents the creative/entertainment industries, and Ally and Michelle represent the public. More specifically, Ally represents media consumers, Michelle represents the members of the public who offer themselves up to media producers in exchange for money, and Wendy represents members of the public who become media producers themselves.

3.2.1 Wendy Martin – Journalism graduate

Wendy Martin (Sarana Haeata-McClelland) is a twenty-something recent university graduate. Wendy is finding it difficult to acquire gainful employment in her chosen field of journalism. After becoming suspicious of the methods Les Guy employs in order to create his work, Wendy decides to commence a freelance investigation into the “artistic practices” of Les Guy, a new artist who has had a recent run of concern and critical acclaim. Wendy, the central character of my film, represents the Australian media industry, and illustrates the unethical practices of privacy-invasion and defamation in the Australian media. Irony is truly the only appropriate term to describe a number of Wendy’s actions, and also her history, her personality. Perhaps the greatest irony is that Wendy truly believes in the importance of respecting an individual’s privacy, and dignity, yet she has chosen journalism as her vocation. Hirst and Patching (2005) state that “the news media can sometimes seem quite
callous in its disregard for the privacy of individuals, but realistically a journalist cannot do their job unless the ‘invade’ the privacy of people on a daily basis” (p.170).

According to Frost (2003), the vocational duties of a journalist have changed dramatically over the years. “These days, with the pursuit of media consumers more crucial than ever before, the journalist has also had to become entertainer, finding stories and features that will delight the audience rather than inform, titillate rather than educate.” One question that never seemed to have a concise response, who is responsible for this change to journalism’s nature and purpose? Is it the producers, the consumers? One could assert that both groups are responsible. The media producers have instigated the shift of their products’ purpose, from sources of information to sources of entertainment, and the consumers have endorsed this shift by continuing to consume their products.

The character of Wendy was definitely inspired by my own personal experience. As I studied to be a journalist, I began to ask myself some serious questions. Would I be able to repress my empathetic nature enough in order to do what is required of a successful journalist? I began to realise that it was simply not my nature to intrude in on people’s privacy. According to Phillips and Lingdren (2002), failure to overcome this would be a serious problem for anyone considering journalism as a career path.

Journalists are in the business of reporting. This means, more often than not, treading the line between the acceptable and the unacceptable, and weighing up whether in particular cases the ‘public interest’ must take precedence over any individual private interests. For broadcast journalists, this sort of decision often has to be made on the run, with live-to-air programs allowing little or no time to consider the implications of what is being said, let alone rectify the damage. (p.224)
It dawned on me that chasing someone down the street, shouting questions that you know full well they legally should not answer was not exactly my ideal vocation; it was more like my worst nightmare. I guess through the character of Wendy I found an interesting way to explore these moral and ethical questions, as well as my own personal conflicts.

What began as a crusade to reveal and/or prevent Les from continuing his frightfully inappropriate (alleged) activities, ended (in Wendy's eyes) as a disastrous failed pursuit of a current affairs story. One could argue, that she (like many journalists, such as Dylan Howard) had been so focused on the chase that she was blind to the inappropriateness of her own behaviour. Phillips and Lingdren write:

In the race for a good story, real people often get trampled. With your eyes fixed on your journalistic goal it is easy to see talent simply as the means to an end, to be used and discarded with no consideration of the impact on them (78 – 79).

The hardest lesson Wendy learns about being a journalist through her encounters with Les Guy is, that no matter how you perceive your subject, you should always treat them with respect, just in case you are wrong. In the instance of Space Invaders, Wendy was not wrong about Les Guy after all. But by resorting to covert surveillance, in order to get her story, she effectively forfeited any moral or ethical high ground she thought she was standing on.
3.2.2 Les Guy - Artist

Les Guy (played by real-life artist Patrick Doherty) is an artist whose creative ‘exploits’ involve the exploitation of people. In this way (and many others) he is a symbolic representation, perhaps even a bizarre personification of reality television. In Remote control: New media, new ethics, Lumby (2003) writes about reality television’s “propensity” to “promote voyeurism and to exploit ‘ordinary’ people and invade their privacy” (p. 12). This statement encapsulates perfectly the way I intended for Les Guy’s morals and ethics to be skewed by media formats such as reality television.

Archard (1998) describes privacy as being “defined in terms of being let alone, control of access to one’s body and personal space, autonomy in personal matters, and solitude” (p. 84). Les Guy violates the privacy of his subjects, and each violation fits at least one of these descriptions. The most definitive and contentious characteristic of Les Guy’s artistic practices is the panoptic-like relationship Guy has with his subjects. According to Michel Foucault (1977), author of Discipline and Punish: The birth of the prison:

The Panopticon is a machine for dissociating the see/being seen dyad; in the peripheric ring, one is totally seen, without ever being seen... Any individual, taken almost at random, can operate the machine...it does not matter what motive animates him, the curiosity of the indiscreet, the malice of a child, the thirst for knowledge of a philosopher who wishes to visit the museum of human nature, or the perversity of those who take pleasure in spying. (pp.201-202)

The equipment that Les Guy uses to capture his subjects plays a very important role in the film. Les begins with a pencil and sketch pad, which he uses to capture Michelle outside her apartment window. Les begins with a sketch pad, then moves on to a camera, then eventually
a video camera, which turns out to be the most efficient tools for his purposes. And of course there is a clear pattern of technological progression, which is a commentary on how technology has aided media formats such as reality television in their ability to capture images of human individuals as they truly are.

In my film, *Space Invaders*, the character of Les Guy uses this technique of selective editing to capture images of his subjects while they are clipping their toenails, sniffing their armpits, examining their bikini lines - activities which are both unflattering and highly private. Les Guy’s artwork may be starkly confronting, but it is in no way a fair representation of the subject. According to Gross, Katz and Ruby (1988), “Image makers can use selective editing, framing, lighting, and the rest of the familiar catalogue to produce a result in whose making (the subject) wouldn’t have cooperated with had (the subject) known what was coming.” (p.xiii). The art of Les Guy is essentially a tabloid-style image of his subjects that is presented in oil on canvas, a medium synonymous with classical artwork (see Figure 1, Appendices 2). Les Guy’s use of selective editing is a major component of its kinship with other media genres where work is often created through the unethical treatment of its human subjects, in reality television and current affairs journalism.

Les asserts that the primary motivation or objective behind his artistic practices is to reveal, or explore the female body in its truest form; he believes when a life model is posing, they are merely presenting the female body in a dishonest, contorted form. He believes that the way he paints his subjects is similar to the camera techniques employed by the fictitious *Big Brother*-style reality television program *The Watchhouse*. Les believes his method of
capturing images of his subjects while they are unaware of his presence, allows him greater access to the female body, and a greater ability to capture the true nature of his subjects. This is a concept explored by Foucault (1977):

The Panopticon functions as a kind of laboratory of power. Thanks to its mechanisms of observation, it gains efficiency and in the ability to penetrate into men’s behaviour, knowledge follows the advances of power, discovering new objects of knowledge over all the surfaces in which power is exercised. (p.204)

During the film Wendy attempts to gather evidence to support her suspicion that Les is painting subject without their consent or knowledge. Les has not had anyone be critical of his art, or suspicious of his artistic practices before, so he senses no reason to detect any ulterior motives from Wendy’s interest in his documentary project. Les feels that any consultation with the subjects of his paintings will contaminate his entire process. The waiver that Les Guy requires his subjects to sign before becoming his “real-life models”, includes a clause that the subjects relinquishing all creative and editorial control to Les. This is yet another part of his artistic approach directly influenced by reality television. It is never truly revealed whether or not the subjects of Les paintings have even seen the paintings that they are subjects of.

On the surface, one could argue that there is little separating Les Guy from any other ‘peeping tom’, and it will certainly be clear that Wendy suspects that he is a textbook sexual voyeur. But beneath the surface Les Guy is an artist, who, like reality television producers, considers the issue of privacy to be some easily snipped red tape, and (like commercial broadcast journalism producers) an annoyance which makes it more difficult for him to do his job. He claims that he stalks his subjects merely because he is actively pursuing artistic
excellence, and his behaviour throughout the film will reflect this claim. However, his artwork may suggest otherwise.

Early on in his life as a portrait artist, Les began his love affair with the female form while painting nude studies of life models in art class at high school. Les continued to paint nudes while studying visual arts at university, but he soon grew tired of the unnatural 'posed' nature of the model’s poses. Les asserts that “the only way you can get a woman with her guard down, is when she’s not being watched.” Les confesses that he soon felt led towards his current practices by an obsessive, compulsive need to portray his subjects as they really are. Les represents and illustrates how the media’s attitude towards privacy has affected Australian society’s attitude towards an individual’s privacy. His arrogant self-importance, and his arguments justifying the way he goes about producing his artwork are directly modelled on the attitudes displayed by media figures such as Kris Noble, Peter Meakin and Dylan Howard.

Chris Hight and Jane Roscoe (2001), authors of *Faking it: Mock documentary and the subversion of factuality* assert that “documentary practice, and the cultural assumptions and expectations we have of it, have been informed by the discourses of journalism” (p.13). According to writer John Hartley (1996), as cited by Hight and Roscoe (2001, p.13), “journalism has a huge investment in modernist technologies of truth.” characterless Guy’s artistic principles are very similar to those of a journalist, both intent on conveying not just realism, but reality. Both put the acquisition of their material ahead of the human beings it is derived from. Les Guy’s artistic principles quite accurately describe the ‘work ethic’ of
Christof (played by Ed Harris), a character from Peter Weir's film, *The Truman Show* (1998). Christof is the creator of *The Truman Show*, a fictitious reality television show. The “star” of this reality television show, Harry Truman, is unaware that he has been filmed and broadcast to the world in an artificially created suburb since he was born. When Harry Truman (played by Jim Carrey) finally discovers this, and asks Christof “Was anything real?” Christof replies “You were real. That’s what made you so good to watch”.

### 3.2.3 Ally Parsons - Curator

Ally represents the public. A happy-go-lucky, fun-loving girl who lacks any interest in the subject of morals and ethics, reasons vary but the primary one is that (to her knowledge) she has never suffered from immoral or unethical treatment. Ally just wants to be entertained; she does not care how it is done. She has a cruel streak, drawing enjoyment from being critical and abusive towards certain contestants of “The Watchhouse” (a fictitious reality television program created specifically for the film). This scrutiny towards television participants is not restricted to reality television, but current affairs television as well, according to Graeme Turner, author of *Ending the affair: The decline of television current affairs in Australia*. When discussing the public’s response to *A Current Affair*’s infamous stories on the Paxton family⁹, aired during the period between February 19 and March 15,

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⁹ The Paxtons were the subject of an *A Current Affair* story who were dubbed by the program “dole-bludgers who didn’t really want a job".
1996, Turner (2005) writes “these are people, one would think, with whom the audience might sympathise. But they don’t; most often, the audiences rejoice in the victim’s humiliation.” (p.67). However there comes an interesting plot twist when bubbly, carefree Ally, looks at one of Les Guy’s paintings, and recognises a physical feature on the back of the subjects neck to be alarmingly similar to one of her own. She is forced to confront the issues of privacy-invasion and defamation, issues she cared so little about.

3.2.4 Michelle Reed - Model

Michelle is one of Les’ “real-life models”, meaning that she is one of the women that Les secretly observes, then paints. One evening, Wendy covertly surveys Les sketching Michelle while in the bushes outside Michelle’s window. When Wendy ambushes Les with her allegations the next day, it eventually transpires that Michelle is very aware of this arrangement, and that she is paid a modest sum for her services. Michelle is aware that Les paints her, but is never aware when he is painting her, or what the paintings will look like. In other words, she does not know if the paintings are of her talking on the phone, or clipping her toenails in her underpants. This lack of constant awareness and or creative control over the representation of one’s image is definitely inspired by the concept of reality television participation. The character of Michelle is played Sarah Lawrence, a contestant in the second series of the reality television program Australia’s Next Top Model. The "Next Top Model" reality television show franchise is a reality television show which attempts to gains its viewership through advertising its status as a show where contestants become aggressive.
towards each other. Or in other words, as their ad campaign promised, “Catfights on the catwalk”.

3.3 Music

The lyrical content of the songs I wrote specifically for the film are another avenue through which I communicated my film’s fundamental messages. My “gangsta-rap” composition, “‘Dis Leak’ (2007), is an angry warning from Les Guy, directed towards Wendy. The lyrics of “‘Dis Leak” express Les’ initial emotional response to Wendy’s decision to investigate him, and her plans to expose him. “‘Dis Leak” (in particular the lyric “Betrayal like a blade, I can’t play, ‘cause I got played”) also speaks from the perspective of the human subjects (such as the Paxton family) who I believe are mistreated by current affairs programs.

The folk ballad, “My secrets” (2007) is a song dedicated to Les Guy, from the perspective of his subjects. This song is meant to explain how Les Guy perceives his subjects, and the lyric “even I don’t know the real me like you do”, details Les Guy believes they would perceive him if they knew what he was really up to. The lyric “There’s a trust in your intentions, so I can give myself away” is a comment on the trust that reality and current affairs television participants put in the producers of the programs they consent to participate in. The trust involved in consenting to participate in reality television is the central theme of the cheesy pop ballad, “Your star” (2007), whose simple, direct lyrics (“I just wanna [sic] be your star, I just wanna [sic] give it all, to you... ‘Cause I know, you’ll make my dreams come true”) are a
reference to the perception that Ally about the motivations behind reality television participation.

### 3.4 Mise-en-scene

I chose to shoot these scenes of the film in real locations. The art gallery scene was shot at the Perth Institute of Contemporary Art, which is known for having modern, unconventional art on display. As a location, the art gallery is symbolic of broadcast television because it is an exhibition space that Les chooses as the place to display some very private moments that he has captured in paint. The interview scenes were filmed inside Patrick Doherty’s real-life art studio. I chose to shoot in real locations because I wanted to explore the concept of authenticity, which is so often referred to in textual analyses of reality television. As Jon Dovey (cited in Laurie and Ouellette, 2003) writes:

> “The widespread success of programs with this appeal to authenticity occurs at the same time as the widely acknowledged triumph of simulation and spectacle...the distinction between authenticity and pretence, between reality and artifice, remains vital to the pleasure and politics of contemporary TV viewing.” (pp. 288-289)

During the second scene of the film, Wendy looks for work in the newspaper, finds no journalism vacancies, then flips the newspaper closed in disappointment. When she flips the newspaper closed to find Les Guy’s promotional pamphlet, a large photo of Ben Cousins is revealed on the back page of the newspaper (see Figure 2, Appendices 2). Ben Cousins is an individual who has been making more than a few headlines recently. The benefactor of Ben Cousins’ intense media exposure has hardly been himself, or the young children who look up
to him as a role model; it has been the media. Neither would Les Guy be the intended benefactor of the media exposure Wendy planned to subject him to.

During the third scene of the film, Les removes a red cloth to reveal the camera which has secretly been filming Wendy during their first meeting (see Figure 3, Appendices 2). Les presents the hidden camera almost like a magic trick, or a hilarious surprise, not unlike the television shows *Candid Camera, Punk'd*, or the more recent *Surprise, Surprise, Gotcha!* Aside from being a somewhat thinly veiled reference to Sara-Marie Fedele, a contestant in the first series of *Big Brother Australia*, the rabbit ears Les Guy wears during the second interview scene (see Figure 4, Appendices 2) reveal that Les himself is a performer, someone who also fails to publicly exhibit himself as he truly is. His costume throughout the film was designed to reflect this notion.
4.0 CONCLUSION

According to the *Law Dictionary*, "The right to be left alone is not always superior to the rights of the public and it may or may not exist or may exist to a lesser degree with regard to the life of a public figure, such as a politician or other person in whom the public has a rightful interest" ("Invasion of privacy", n.d.). I believe the media has had a hand in defining the criteria of who and who is not a "person in whom the public has a rightful interest", and who and who should not have "the right to be left alone" in Australian society. As the media is a self-regulating industry, and it is in the best interests of the media for the "rights of the public" to be "superior" to an individual's "right to be left alone", this has (unsurprisingly) led to a notable imbalance between the "rights of the public" and an individual's "right to be left alone".

Perhaps the most debatable topic that has been a point of discussion in both my creative film project and exegesis is "privacy versus the public interest". Within my creative film project this issue is debated through the characters of Wendy and Les Guy. The question is which character represents individual privacy, and which character represents the public interest? Both characters, at one point or another in the film disregard an individual's privacy because they believe that it is in the public interest to do so, Les Guy believes what he does by painting his subjects when they are unaware that they are being watched is in the public interest; he is certain that the public are genuinely interested in his art, because his art is very popular. Is this the same manner in which current affairs programs evaluate what is and what is not in the public interest? One could also speculate that Les feels compelled to justify the
social and cultural importance of his artistic practice because he makes a “pretty good living” as a result. When it comes to broadcast journalism, there is one home truth that cannot be debated; the work performance of those who work in these industries is measured by ratings. The commercial news media is not the public service it presents itself as – it is very much a business. At some point there seems to have been a metamorphosis undergone by the definition of the “public interest”. A matter of “public interest” is essentially a matter which has a direct impact on members of the public, or at least is a matter of genuine public concern, such as a viral outbreak or extreme weather patterns. Somewhere along the line a matter of “public interest” has become a matter which the public might find interesting. Interesting enough to buy the newspaper; interesting enough to watch a news bulletin or current affairs program.

During the production of my film I was especially wary of the key role ethics played in my duties as a director. I was very mindful of how incredibly hypocritical it would be of me to be doing a creative film project and exegesis about the unethical treatment of human subjects by the media, only to have failed to treat my own participants according to ethical guidelines (as specified by Edith Cowan University’s Education and Art’s Faculty Ethics Subcommittee). As the director of Space Invaders, I felt that it was my duty to honour the responsibility for ensuring that the welfare of the human participants of my creative film project was being protected to the best of my ability. I can honestly proclaim that the ethical responsibilities of my role as a director have been honoured to the best of my ability. One would hope that everyone working in the media took this responsibility as seriously as I have. However as evidenced within this exegesis, one could safely assert that this is
definitely not the case. This is because it is only a moral and ethical responsibility for the media to treat their human subjects with dignity and respect, and not a legal one. One could reasonably assume that of it was a legal responsibility, perhaps they would take this responsibility seriously.
REFERENCE LIST


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APPENDIX

Appendices 1: Space Invaders screenplay

INT. GALLERY - NIGHT

Ally looks up from the front counter to see her friend Wendy arriving.

WENDY
Ready to go yet?

ALLY
Yep, I just got to lock up first.

Ally walks towards the back.

ALLY (CONT'D)
You can have a look around if you want. There's a new exhibition on.

WENDY
(unimpressed)
Gee thanks.

Wendy goes for a stroll through the gallery casually looking unimpressed at the various artworks. She stops at a canvas featuring a female figure in her underwear crouching on a bed. Ally returns from locking up.

ALLY
Alright let's go.

Ally notices her friend staring at the one painting.

ALLY (CONT'D)
Do you like it? 'Cause they've all been sold. This Les guy has been doing pretty well, I heard he just received a huge grant.

Wendy tilts her head in slight disgust.

WENDY
It looks like she is putting in a tampon.

Ally reacts in amusement and has a double take at the painting.

Space Invaders by V. Barnett & T. Ly
WENDY
Its so derogatory to women.

ALLY
Here we go, she's on the war path again.

WENDY
And perverted.

ALLY
Who cares? It's good art.

INT. ALLY AND WENDY'S LIVING ROOM - NIGHT

A Big Brother type reality show, "The Watchhouse" plays on the television. Ally sips on a glass of red while she stares religiously at the TV screen. Wendy flicks through the newspaper looking for journalism jobs in the employment section.

WENDY
(mumbling to herself)
Jeweller....jeweller...junior....
ugh!

ALLY
Nobody in Perth's looking for a journalist, eh?

Without looking away from the paper Wendy gives Ally the finger. Ally fails to notice Wendy's offensive gesture and shouts at the television screen.

ALLY (CONT'D)
God I hate Christie! I can't believe she stabbed Gary in the back.

Wendy flips the newspaper closed in defeat. Wendy begins to peruse an art gallery brochure of Les's work, which was hidden underneath the newspaper. Wendy notices something odd about all the paintings. She gets up and sits next to Ally.

ALLY (CONT'D)
She is so stuck up. If I was in there, awww man!

WENDY
Have you seen this? Do you sense a common theme here with these paintings?

ALLY
Yes ok Wendy, all men are pricks. But'girl, I'm out to get laid!

Space Invaders by V. Barnett & T. Ly
Wendy points to various paintings on the brochure.

**WENDY**
No have a look. She looks like she is clipping her toenails, she looks like she is popping a zit in the mirror, she looks like she is plucking chin hairs. They don’t look like they are modelling. None of them do.

**ALLY**
So what are you saying? That he paints chicks who..

**WENDY**
I reckon this guy is perving on these chicks, then passing it off as art.

**ALLY**
What?

Ally’s eyes widen as she notices Wendy may be onto something. Her eyes widen even more when she spots a female figure with a mole on the back of the neck. She feels around her neck looking for a bump until something on the television captures her attention.

**PRESENTER ON TV**
Christie you are evicted.

Ally pumps her fist in the air with joy.

**ALLY**
Yes! Finally. Get off my TV screen!

Wendy stares blankly at Ally’s ridiculous behavior.

**WENDY**
Have you quite finished?

Ally holds up a finger asking Wendy to give her one more moment. She quietly pumps her fist against her chest.

**ALLY**
Yes!

Wendy rolls her eyes, grabs the remote and turns off the TV.

**ALLY (CONT'D)**
Oi! What the hell do you think you’re doing?

Space Invaders by V. Barnett & T. Ly
WENDY
That show is giving you brain cancer.

ALLY
Who cares Wendy? It's good TV!

Wendy grabs the brochure and waves it in Ally's face.

WENDY
I'm going to expose this Les guy. You work at the gallery so you can help me out.

ALLY
Are you trying to get a job on Today Tonight?

WENDY
I'm serious!

ALLY
No I'll help you. It's just that I really want to see you work on Today Tonight. I think that show is awesome.

Wendy holds her finger against her temple as if she is having an aneurism.

FADE TO BLACK.

ALLY (CONT'D)
(V.O)
Well I heard this Les guy wants to spend some grant money on someone to film a doco on him.

EXT. LES'S FRONT YARD - DAY

FADE IN:

Wendy approaches the front door from off the street. She holds a little camera bag.

ALLY
(V.O)
So grab a camera and google some film-making techniques... and give me back the remote control.

Wendy knocks on the door to get no response. She knocks again harder. This time a loud groan can be heard from inside. A moment later the door opens revealing a just woken, shirtless Les.
LES

Wendy?

WENDY

Yeah we spoke on the phone last night.

Wendy pauses to have a look at Les.

WENDY (CONT'D)

Did I wake you?

LES

Yeah I didn’t expect you this early.

WENDY

Well its... one in the afternoon.

LES (semi-seductively)

Come in.

INT. LES’S STUDIO ROOM - DAY

Les walks Wendy into the studio.

LES

Have a seat, I’m going to get changed and then we’ll discuss business.

Les walks out leaving Wendy alone in the room. Wendy waits until Les is gone before she has a snoop around. She fingers through a set of sketches sitting on a table. Quickly losing interest in them she notices a stack of photos sitting face down on a bench across the room. With her sights set on the photos, Wendy tries to make it towards them but accidently knocks over a canvas on a stand. She quickly tries to erect the stand and canvas back up.

LES (CONT'D)

Careful!

Wendy turns around in horror to see Les in the doorway. Les walks towards her.

WENDY

I’m sorry it was an accident.

Les grabs the stand and erects it back up.

LES

No, the paint’s wet, wouldn’t want to get that blouse dirty.

Space Invaders by V. Barnett & T. Ly
Les walks over to the bench and gathers the photos together in a bunch. Wendy tries to inconspicuously see what is on them. Les notices her interest in them and puts them in a photo packet.

**LES (CONT'D)**
Just some happy snaps. So... Ally tells me you want to do my movie. Have you been doing this for long?

**WENDY**
To be honest, not really. I'm just getting started, hoping to gain some experience.

**LES**
A novice, eh? I like it. I want my film to show a virgin-esque quality about it.

Wendy looks at Les slightly pertubed.

**LES (CONT'D)**
What equipment will you be using?

Wendy pulls out a little camcorder from her camera bag.

**WENDY**
It's not much but...

**LES**
No really, I hate how sharp those big cameras can be. I like the rawness and the grain these little ones produce. Plus its got.. night vision right?

**WENDY**
I think so.

**LES**
Just like mine. Yeah really, I think this interview is over. I like you, you've got great features.

Wendy is taken aback by Les' statement, but doesn't want to rock the boat.

**WENDY**
That's great. Thank you. So... when should we start?

Les walks over to a table and pulls a coat off to reveal a hidden camcorder.
LES
It's already begun.

Les begins laughing quite maniacally. Wendy tries to hide her feelings of total discomfort by joining in with the laughter.

INT. ALLY AND WENDY LIVING ROOM - NIGHT

Wendy and Ally sit in front of the TV. "The Watchhouse" is playing.

WENDY
And then he rips this coat of the table and reveals a camera that was taping me the whole time. And then he begins laughing like a maniac. I've never felt so creeped out my entire life.

ALLY
That doesn't sound too bad, most artists are freaks.

WENDY
I don't know, I just felt violated, even though I wasn't even doing anything.

Wendy looks at the TV and notices a contestant on "The Watchhouse" picking her nose.

WENDY (CONT'D)
I don't know how these people do it.

ALLY
Money! Fame! Get your tits out! I would love to be in that house. Not everyone is a prude like you.

WENDY
Well I think it's already obvious this Les guy is perverted filth. We'll be doing some interviews tomorrow. I'll see what I can get out of him.

INT. LES'S STUDIO ROOM - DAY

Handycam POV of Les sitting back in his chair readying himself for the camera.

LES
We rolling?
Les nods his head confirming he is ready to start.

WENDY
Action!

LES
So as I was saying, I started out painting life models. Life models! Yet where’s the life? All they do is stand there pretending to be statues! That’s when I moved onto real life models.

WENDY
Can you explain the difference?

LES
Real life models are models that just go about their daily business. You know, cleaning dishes, cooking that sort of thing. What’s interesting to me and I think everybody else is what people get up to behind closed doors.

WENDY
These women must put a lot of trust in you to allow you to capture them in such private moments.

LES
It’s not about trust. It’s like this. Have you seen that show “The Watchhouse”. You know the Big Brother rip-off.

Insert flashback sequence of Ally screaming obscenities at the TV screen.

WENDY
Once or twice.

LES
Well the people in that house are there to be watched. They’ve given up this intangible thing called privacy for fifteen minutes of fame. In a way, I’m doing the same for these woman I paint.

WENDY
How do they feel about the way you paint them?

Space Invaders by V. Barnett & T. Ly
LES
(nonchalant)
You know I'm not really sure...

The camera begins beeping.

WENDY
Crap! I'm out of tape.

LES
That's too bad. We were going good. I liked those questions you asked. Give them some insight.

WENDY
I can go to the shops to get more.

LES
No that's alright. We'll resume tomorrow. I've got things to do tonight anyway. It'll be best if I got some rest now.

INT. GALLERY - AFTERNOON

Ally picks up the phone from behind the counter.

ALLY
Hello?

EXT. STREET - AFTERNOON

Wendy walks frantically down the street.

WENDY
You won't believe what I just got on camera. This Les guy basically admitted to everything I've suspected.

ALLY
(phone)
No way, really?

WENDY
The weird thing is, he doesn't seem to know that what he's doing is wrong!

ALLY
(phone)
That doesn't sound right. Where are you?
WENDY
I'm going to get more videotapes.
I think he is going to be out
peeping tonight.

ALLY
(phone)
Going on a stakeout, are you?

WENDY
I won't be coming to pick you up	onight, I got to go.

INT. GALLERY - AFTERNOON
Ally hangs up the phone. She looks a little worried. Her
workmate Elisa comes into the room.

ELISA
Something wrong?
Ally walks over to Elisa and pulls her collar down.

ALLY
Do I have a mole back there?
Elisa stretches her neck to have a look.

EXT. LES'S FRONT YARD - ACROSS STREET - NIGHT
Wendy waits from behind some bushes with her video camera
at the ready. She is wearing a dark tracksuit and a
backpack. A few moments later Les comes out of his house
wearing a dark tracksuit with a hooded jumper and a
backpack.

EXT. STREETS - NIGHT
Les turns down a backstreet. Wendy appears out of the
shadows and in a ninja like manner, jogs after him.

Wendy surveys the backstreet only to find it empty. All of
a sudden, high-heeled footsteps can be heard in the
distance. Wendy instinctively leaps behind a bunch of old
crates nearby. A shadowy figure emerges from the otherside
of the backstreet. What appears to be a woman in a trench
coat walks past Wendy without detecting her presence.

Wendy decides to save her sigh of relief for later. The
woman walks through to the other side of the backstreet and
turns right. Wendy slowly turns around to make sure the
woman has gone only to find Les slowly emerging from behind
another pile of old crates further down the backstreet.
Wendy quickly re-conceals herself.

Space Invaders by V. Barnett & T. Ly
Les sees something move and does a double take, but doesn’t investigate because he doesn’t want to lose the woman he is obviously following.

EXT. 1ST FEMALE’S HOUSE FRONTYARD - NIGHT

Les leads Wendy to what appears to be the home of the female he has been following. Wendy stealthily finds an appropriate position to observe Les without being detected, then observes Les doing the same.

WENDY
I knew it... you bastard.

Wendy videotapes Les photographing the unknown female going about her business, and does not seem to suspect that anybody is watching.

Several minutes pass. Nothing remarkable happens. Losing both interest and patience, Les packs up his things and leaves. Wendy follows him in pursuit.

EXT. 2ND FEMALE’S HOUSE FRONTYARD - NIGHT

Wendy follows Les’ trail until he stops outside a house containing a female that Les is observing through a very large, open window. Wendy quickly hides behind some bushes and begins filming.

The female ‘subject’ begins undressing, when all of a sudden a loud, obnoxious and incredibly unique musical number begins to resonate through the night air.

WENDY
(whispering, distressed)
Shit!

It is the ring-tone of Wendy’s mobile-phone. It’s Ally. Les immediately reacts to the noise by swivelling around trying to locate the source of the sound.

Wendy rips the battery off the phone to silence it. She loses it in on the ground and searches around for it.

Les runs towards Wendy’s position but when he arrives there, she is gone.

EXT. LES’S FRONT YARD

Wendy is visibly nervous as she knocks on Les’ front door. Les answers the door, rubbing his weary eyes with one hand, gesturing for Wendy to come in with the other.

Space Invaders by V. Barnett & T. Ly
WENDY  
(nervously)  
Tired?  

Les pauses for a moment, as if he is carefully considering his answer. Wendy sets up her camera and begins recording.  

LES  
I’ve been working nights lately.  

WENDY  
We can do this some other time if you like?  

LES  
No no, don’t be silly. Besides, the more tired I am, the more you’ll get to know the real me.  

Wendy and Les sit opposite each other.  

WENDY  
(yawning)  
Why is that?  

LES  
Well at the moment I don’t have the energy to be anything other than honest.  

Les pauses and notices that Wendy too looks visibly tired.  

LES (CONT’D)  
Looks like you’ve been up way past your bedtime too.  

Les and Wendy look at each other with vague suspicion for a few silent moments. The silence is broken by the piercing shrill of Wendy’s mobile phone. Les’ look of suspicion intensifies as he realises why Wendy’s ring-tone sounds so familiar.  

LES (CONT’D)  
I think a little honesty might be in order, don’t you think?  

Flustered, Wendy goes to end the call.  

WENDY  
(frustrated, about to drop the act)  
Honesty? God!!! (pauses) Okay, I’ll be honest... all I’ve gathered from these interviews is three tapes of hot air!

Space Invaders by V. Barnett & T. Ly
LES
(calmly)
If you want to know something specific, then just ask me.

WENDY
What were you doing last night?

LES
(calmly)
I was being followed...

Wendy tries to look surprised.

LES (CONT’D)
By you.

Wendy tries to look indignant.

LES (CONT’D)
I don’t know what gave you away... That obnoxious ring-tone, or your pathetic attempts to conceal yourself. Such an amateur.

Wendy now looks effortlessly indignant.

WENDY
(Smug)
So how does it feel Les? How does it feel?

Les throws his head back in amusement.

WENDY (CONT’D)
What’s so funny? The fact that you get your kicks out of peeping on women, or that you actually make a living out of it.

LES
(More smug)
A pretty good living I’d say.

WENDY
(Furious)
People think this is art!

Les nods with a cheshire cat grin.

WENDY (CONT’D)
(Seething)
I can’t believe how smug you are about this, I’m taking this to the media. You are going to face criminal charges over this, your life as an artist is over...

Space Invaders by V. Barnett & T. Ly
Just as Wendy finishes, a familiar face knocks on the studio door behind her. It is one of the females Les was peeping on the night before. Michelle, the girl in question, seems agitated. Wendy takes a look at her and then looks back at Les who is sitting with a smirk on his face.

MICHELLE
Oi Les! I need that money you owe me. Now!

LES
No problems.

Les stands up and walks towards the door. He looks at a confused Wendy who is trying to figure out what is going on in her head.

LES (CONT'D)
I’ll just be a sec.

Les leaves the room.

WENDY
What does he owe you money for?

MICHELLE
I do a bit of modelling for Les.

Wendy realizes what is going on and smacks herself in the forehead.

WENDY
Are there other girls?

MICHELLE
Probably.

Les returns and hands Michelle some cash.

MICHELLE (CONT'D)
Would you mind watching out for my petunias next time you come around?

LES
Sorry Michelle, next time I’ll be more careful.

Michelle leaves. Les slowly walks back to his chair and flops down into it. Wendy is shaking her head in disbelief at the situation.

WENDY
So you pay them?

Les nods his head as he fights back the urge to laugh.
WENDY (CONT'D)
Why didn’t you tell me?

LES
I said, what I do is similar to the Watchhouse. Those people go in to that TV show to sign away their privacy for fortune or fame. I work on a much smaller scale. My girls sign away that right for the sake of a few hundred bucks and the prestige of being painted by Les Guy.

WENDY
I feel like such an idiot.

Les breaks out in laughter.

LES
Isn’t it funny how what you think is priceless can be bought so easily off someone else?

INT. ALLY AND WENDY'S LIVING ROOM - NIGHT
Ally seems a little shocked.

ALLY
Wow...

WENDY
Yeah...

ALLY
So is the documentary still...

WENDY
Despite the fact I accused him of some heinous act, he is allowing me to finish his film.

ALLY
Seems like a good guy... A story to tell the grand-kids about don’t you think?

Wendy shrugs.

ALLY (CONT'D)
(Granny voice)
About the time I became a peeping tom to catch a peeping tom who wasn’t even a peeping tom.

Wendy playfully throws a cushion at Ally’s head.

Space Invaders by V. Barnett & T. Ly
INT. WENDY'S BEDROOM - NIGHT

Wendy has a deep sigh at herself in the mirror. She walks over to the window and opens the curtains. She opens the window and takes in a breath of fresh air. Wendy smiles and has a laugh to herself.

WENDY
Some girls would do anything for cash.

She switches off the main light with her bedside lamp still on and begins to get undressed.

WENDY (CONT'D)
Glad I'm not that desperate.

EXT. ALLY AND WENDY'S GARDEN - NIGHT

In front of Wendy's bedroom window, out of the shadows a hooded figure emerges holding on to a camcorder.

THE END
Appendices 2: *Space Invaders* video stills

Figure 1.

Figure 2.