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John Perceval – An ethical representation of a delinquent angel

A thesis submitted in fulfillment of the requirements for the
award of the degree

Doctor of Philosophy

from

University of Wollongong

by

David Blackall, B.Sc (Agric), Dip. Ed, MA (Jour)

Faculty of Creative Arts

School of Journalism and Creative Writing

2004

CERTIFICATION

I, David Blackall, declare that this thesis, submitted in partial fulfillment of the requirements for the award of Doctor of Philosophy, in the School of Journalism and Creative Writing, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document and its associated documentary film have not been submitted for qualifications at any other academic institution.

David Blackall

July, 2004

Confidential Material

This thesis contains confidential material, which cannot be made freely accessible for a period of three years after submission.

* Confidentiality relates to the substance of the information and the source of that information as obtained through the Freedom of Information Act, and that there is likely to be further court action pertaining to one of the case studies.

* Secondly, the writer wishes to ensure that the rights of certain individuals who have participated in the research are protected until such time they are no longer at risk as a result of this publication.

Abstract

This dissertation accompanies two versions of a one-hour documentary, *Delinquent Angel*. The filmmaking process, arriving eventually at the second and broadcast version, saw the film receive considerable acclaim. Despite this, the process in making *Delinquent Angel* was fraught with legal and ethical dilemmas at nearly all stages of production. The enclosed film therefore became a best case study for this PhD, which might otherwise be entitled: “Non-fiction Filmmaking: How to Minimize Harm in a Dangerous Profession”.

The PhD asserts that if ethical standards are met in filmmaking, or indeed television journalism, it is more likely that costly legal problems may be minimized. This argument is given a context through a central discussion on the nature of the consent that participating subjects make for documentary and television journalism, and that simply, a respect for the subject and their rights is reason enough to behave ethically.

The culture of documentary and television journalism is such that the context of a subject’s consent is most likely defined by the particular genre of film being envisaged, its overriding commercial aspirations and the realities the film will create once editing is completed. The filmed subject’s plight in final representation is further magnified in that documentary and current affairs television journalism, like fiction films, have conflict built in for cinematic and dramatic interests. In a perfect world, non-fiction film subjects would be informed of this and the manner in which this will be executed.

A ‘truthful’ informed consent filming process would have the camera subject understanding that devices like dramatic conflict sometimes serve the film as a cultural form, or are in public

interest, or are included to attain a more complex level of truth. More often, however, devices like dramatic conflict serve storytelling in simple and selfish ways, boosting the reputations and commercial success of producers and their works.

The documentary *Delinquent Angel* as an integral part of this dissertation, primarily explores the history and artistic works of John Perceval. The film empowers his works as historical and socially committed texts in their own right. Through the psychological dimensions of the works, *Delinquent Angel* is able then to touch on Perceval's history, his relating to family and to the contemporary social forces around him. The film also shows the relationship between Perceval and the filmmaker (the artist's former son in law) and so makes transparent some of the filmmaker's (my) ethical and personal responses to the production process. The PhD brings analysis to that filmmaking process in terms of the representation of the participating subject, the funding bodies and the culture of the related industries of film and current affairs television journalism. Further case studies and epistemological analysis are then provided to reinforce the assertions made as a result of producing *Delinquent Angel*.

The PhD does not centre on the extreme of academic comment around the subjectivity-objectivity balance, nor a general philosophical debate on freedom of expression. Rather, the ethical contradictions and problems generally within the journalistic filmmaking process are at the focus of this discussion. Discourses are arranged into an argument that exposes and discusses ethical dilemmas and how ethical consideration may assist in reducing legal risk. Despite this rather obvious point, it is apparent that the Australian documentary film industry lacks definition or acknowledgement of ethics, or any codified guidelines for that matter. For context and reference, the PhD returns continuously to questions of ethics surrounding the camera gazing upon the very private but famous Australian expressionist painter, John Perceval AO, the delinquent angel.

The PhD shows how the reflection on the making of a major documentary on a famous artistic figure informs our understanding of the ethics of journalism and documentary filmmaking generally. In doing so, the PhD illustrates how this understanding impacts on the higher education journalism curriculum and how a code of ethics for documentary filmmakers should be developed from the codes now available to journalism.

This study asserts, therefore, that if ethical standards are met in filmmaking, or indeed in television journalism, it is more likely that legal risk is reduced. The costs of unethical practice, however, are not only monetary as they often impact in psychological and social terms. This is demonstrated and argued in a context; that unless an overwhelming public interest can be demonstrated to justify deceit and subterfuge, then no film is more important than a film subject's mental or social wellbeing.

Acknowledgements

I wish to thank Cathy Robinson (Chief Executive with the Australian Film Commission in the 1990s), who assisted in the first instance in my Freedom of Information inquiries. I wish to also thank Caroline Verge (who, in 1998 worked with the Australian Film Commission's legal department) for her assistance in the Freedom of Information process and for her releasing the resultant material in public interest (Appendix 1). I would also like to thank Harold Scruby for his permission to release those documents in the context of his part in *The Wonderful World of Dogs*. My thanks to Ken McGregor for all his diplomacy between me and John Perceval, and to the late Mark Worth for his inspirational interviews over the years on sole operation in (miniature) video camera journalism, and its historical links. My thanks also to Dr Eric Loo as final supervisor to this thesis after Professor Lloyd's untimely death, and to Jolyon Sykes and Professor Mark Pearson in their additional reading and comment. Finally, my gratitude to Beverly Lloyd in the months after Professor Clem Lloyd's death, for locating his computer files valuable to his supervisory comment.

Dedication

This thesis is dedicated to three friends who sadly passed away over the time of its compilation: John Perceval AO, Clem Lloyd, PhD, AO and Mark Worth, journalist and filmmaker. I owe them a great deal for their generosity and charisma.

John Perceval – An ethical representation of a delinquent angel

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