



AMERICAN UNIVERSITY OF BEIRUT

Verdict Case #1

A Case Study Suing SBS for Direct Dismiss of Scott McIntyre

Natalie El-Khatib ID#201400574

10/13/2015

Position Taken: The Judge

From The Supreme Court Sydney Australia

Professor : Dr. Fadl Bdeir

This verdict is presented by the judge Natalie El-Khatib concerning the sack of sports presenter Mr. Scott McIntyre by SBS television Station. It includes evidence and reason behind the decision that has been taken. Furthermore, this is a final decision regarding Mr. Scott suing SBS.

Dear SBS, Mr Scott McIntyre and The Public,

As of the 25th of April 2015, the social media has contributed to abolishing a career of an experienced football journalist called Scott McIntyre. The SBS, the channel McIntyre worked for, dismissed the journalist for tweeting against "Anzac Day". Anzac Day is known to be a national day for the reminiscence for the Australians and New Zealanders who served in WWI. It's known to originally honor the associates of our army that managed to carry the burden and suffering when fighting at Gallipoli during WWI. However, This day, like any day, belongs to history, which is related to political interpretations that are open for debate.

Anzac Day has been criticized by a bunch of Australians and New Zealanders. In 1960, Alan Seymour's play called *The One Day for the Year* addressed the social division that is growing between Australians and their old principles. Moreover, in 2008, Australian Prime Minister Paul Keating stated his opinion regarding the celebration of Anzac Day every year, referring to the merriment of Anzac Day as "utter and complete nonsense". SBS managing director Mr. Michael Ebeid condemned Mr. McIntyre tweet as "highly inappropriate and disrespectful". Not only did Mr. Ebeid criticize the tweet but also did the Minister of Communication Malcolm Turnbull who was accused of influencing the decision of the SBS television station.

On one hand, according to the Constitutional Law Protection, the Australian Constitution does not explicitly favor and protect the freedom of speech. Yet, an implied freedom of political communication is present, referred to as freedom from government restraint. On the other hand, section 351 of the Fair Work Act 2009 mentions discrimination by stating, "An employer must not take adverse action against a person who is an employee...because of the person's

race...religion, *political opinion*, national extraction or social origin." The question that arises is whether SBS terminated Mr. McIntyre's employment for its "despicable and disrespectful tweet" or due to expressing this view specifically. If we come across the codes of conduct of SBS when encountered with social media, the very first statement states, "engage with the community - social media empowers employees...enhance communication and encourage *debate*." SBS should stick to its CoC, especially when the latter presents guidelines for responsible behavior of its members.

Mr. McIntyre was sacked for tweeting his own opinion regarding Anzac Day even though such an act does not resemble any problematic behavior by McIntyre. Sometimes CoC amount to window-dressing and can be vague to an degree of being potentially self-contradicting. If an appropriate investigation was followed by SBS, Mr. McIntyre would not have lost his job. Kin Ship, Director of Sports, said that McIntyre was sacked for rejecting to delete the tweets. A lot of questions with hazy answers were established. Whether codes of conduct were enough to terminate the job of long time presenter or denying his freedom of expression is still a debate.

From the court, addressing our last words and last statement, Mr. Macintyre deserves a better clarification, and for this reason SBS is proven guilty. Mr. Macintyre is entitled to significant reimbursements for defamation and disruption of his career. SBS holds full responsibility in providing a 6-month salary for their unjustified dismissal, followed by a detailed certified letter defining its circumstances regarding the sacking of Mr. McIntyre. Eventually, SBS must issue its CoC to a public news outlets in order to ensure that its code is adequately placed and properly demonstrates rights and protects constitutional freedom of all employees.

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