

REVIEW OF EDITORIAL COMPLAINTS

4.1 & 4.5 Impartiality

Audience & Consumer Affairs

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Executive summary

Very few breaches of impartiality standards 4.1 or 4.5 were found over a two year period and there was no evidence of frequent or systemic non-compliance, in findings of Audience & Consumer Affairs or the regulator, ACMA.

Where breaches were identified, it was in content about environmental issues, health, international affairs and an inappropriate description of a prominent individual. Complaints that editorially relevant viewpoints had been omitted from content were more likely to be resolved where appropriate action was taken by content teams to present the missing perspectives.

Two recommendations are included. They encourage: greater attention when teams are covering specialist subjects; and more thorough anticipation and planning of future coverage, to ensure that audiences are presented with the principal relevant perspectives on matters of contention in a timely fashion.

Background

The ABC reviews its own content as an ongoing exercise to gauge compliance with its editorial standards and identify opportunities for improvement. Typically, these reviews have been based on a specified sample of content – eg, coverage of the two US Presidential debates and the Vice-Presidential debate on the ABC News Channel, 7pm News, 7.30, radio current affairs, *RN Drive*, ABC News Digital, *Planet America*, *The Drum* and *Insiders*; a selected subset of ABC content on three key COVID-19-related topics over three sample weeks; all political media conferences broadcast live on the ABC News Channel within a one-week period. These reviews have yielded helpful observations about strengths and weaknesses in the ABC's editorial performance.

The information gleaned from editorial complaints can also provide a useful basis for reviews. Complaints highlight areas of specific concern amongst those affected by ABC content – whether as audience members, participants, or as the subject of ABC coverage – and provide an opportunity for editorial processes and judgements to be independently scrutinised and evaluated.

The ABC values the insights gathered from editorial complaints. It is good practice to review complaint findings to look for weaknesses in editorial processes, or patterns of non-compliance which could usefully be addressed. For this review, the ABC looked at its own complaints data to see what could be learned about compliance with the editorial requirement to present news and information with due impartiality and not unduly favour one perspective over another. The sample is inherently limited to content which has been the subject of an investigated complaint, and the findings should be considered in that context.

Editorial standards

Impartiality and diversity of perspectives

4.1 Gather and present news and information with due impartiality.

4.5 Do not unduly favour one perspective over another.

The impartiality and diversity of perspectives standards are accompanied by the following principles:

The ABC has a statutory duty to ensure that the gathering and presentation of news and information is impartial according to the recognised standards of objective journalism.

Aiming to equip audiences to make up their own minds is consistent with the public service character of the ABC. A democratic society depends on diverse sources of reliable information and contending opinions. A broadcaster operating under statute with public funds is legitimately expected to contribute in ways that may differ from commercial media, which are free to be partial to private interests.

Judgements about whether impartiality was achieved in any given circumstances can vary among individuals according to their personal and subjective view of any given matter of contention. Acknowledging this fact of life does not change the ABC's obligation to apply its impartiality standard as objectively as possible. In doing so, the ABC is guided by these hallmarks of impartiality:

- a balance that follows the weight of evidence;
- fair treatment;
- open-mindedness; and
- opportunities over time for principal relevant perspectives on matters of contention to be expressed.

The ABC aims to present, over time, content that addresses a broad range of subjects from a diversity of perspectives reflecting a diversity of experiences, presented in a diversity of ways from a diversity of sources, including content created by ABC staff, generated by audiences and commissioned or acquired from external content-makers.

Impartiality does not require that every perspective receives equal time, nor that every facet of every argument is presented.

Assessing the impartiality due in given circumstances requires consideration in context of all relevant factors including:

- the type, subject and nature of the content;
- the circumstances in which the content is made and presented;
- the likely audience expectations of the content;
- the degree to which the matter to which the content relates is contentious;
- the range of principal relevant perspectives on the matter of contention; and
- the timeframe within which it would be appropriate for the ABC to provide opportunities for the principal relevant perspectives to be expressed, having regard to the public importance of the matter of contention and the extent to which it is the subject of current debate.

The ABC [Impartiality Guidance Note](#) (issued 22 July 2013, revised 21 May 2014) notes that impartiality is one of the most fundamental elements of content-making at the ABC. It explains some of the concepts and strategies that underpin impartial content-making, and especially the key standards set out in Section 4 of the ABC Code of Practice and Editorial Policies. At the time of preparing this review of editorial complaints, the ABC was in the process of revising the Impartiality Guidance Note.

Other Guidance Notes that make reference to standards 4.1 and/or 4.5 are: [Differentiating between Factual Reporting, Analysis and Opinion](#); [Elections](#); [Factual Drama](#); [Hate Speech, Terrorism & Mass Killings](#); and [Moderating User Generated Content](#).

Scope

The review was based exclusively on editorial complaints data. The review examined all complaints investigated by Audience & Consumer Affairs over the two-year period from 1 July 2019 to 30 June 2021 where at least one issue raised in each complaint had been assessed against standard 4.1 or 4.5. A total of 1,268 complaint issues were identified (which were raised in 1,246 complaints). These raised 574 distinct editorial issues; refer to the Analysis section below for more information.

Methodology

Complaints that were identified as being in scope were extracted from the Audience & Consumer Affairs database for statistical analysis. Individual complaint records were also analysed in detail; this included final responses to complainants and, where necessary, examination of interactions between Audience & Consumer Affairs investigators and content makers / editorial policy advisors that formed part of the investigations.

Analysis

Nature of complaints

Of the complaints that had issues investigated for compliance with standards 4.1 and/or 4.5, 14% also raised issues that were investigated for compliance with other standards, the majority of which were accuracy standards and/or other impartiality and diversity of perspectives standards.

The vast majority (87%) of the investigated issues were about content that was under the editorial responsibility of the News, Analysis & Investigations content area (1,101). 84 (7%) related to Entertainment & Specialist content and 83 (6%) related to Regional & Local content.

In terms of platform, 72% of the complaints related to content broadcast on television, 13% were about content published online, 13% related to content aired on radio, and the remaining 2% were about content on other platforms. Where genre was recorded in the data, the largest category was current affairs (56%), followed by news (31%).

Programs/content that attracted the greatest numbers of complaints requiring investigation for compliance with standards 4.1 and/or 4.5 were: *7.30* (224); *Q+A* (222); ABC News Online (113); *Four Corners* (75); 7pm news bulletins (63); and *Insiders* (52).

Multiple complaints can be received for the same issue in the same piece of content. For example, a single interview on *7.30* might attract 25 complaints all expressing fundamentally the same concern. Of the 1,268 issues investigated, 574 raised distinct editorial issues of concern. Looked at in this context, the *distinct* issues investigated in relation to the above programs/content were: *7.30* (75); *Q+A* (24); ABC News Online (93); *Four Corners* (16); 7pm news bulletins (41); and *Insiders* (25).

There was a wide range of topics in the 574 distinct issues that were the subject of complaints alleging bias or lack of balance. 28% were about content broadly related to federal politics and 21% were about content related to international affairs. Other topics included coverage related to: the environment; health; state politics; religion; education; animal welfare; sport; science; legal issues and various others. 15% were about content related to COVID-19; these crossed various categories such as state and federal politics and health.

Application of standards

The standard/s that content is assessed against is largely determined by what is claimed in the complaint. In this dataset, some complainants specified particular standards that they considered relevant to their complaint and detailed the ways in which they felt the content did not meet those standard/s. Others specified standard/s but provided no real detail to

substantiate those concerns. The majority, however, did not nominate any specific standard/s and the investigation followed the way the complaint was expressed, such as claims that content was ‘biased’ in some way or ‘one-sided’ or failed to offer a ‘counter view’.

Amongst the ABC’s standards for impartiality and diversity of perspectives, standard 4.1 is intended to do most of the work. This is reflected in the dataset considered by this review, where over 90% of complaints triggered assessment of content against standard 4.1 (with or without consideration of other standards). Far fewer (22%) saw content assessed against standard 4.5 (with or without consideration of other standards). In 12% of cases, compliance with both standards was investigated.

Outcomes

Of the 1,268 investigated issues:

1,157 (91%) were not upheld

93 (7%) were resolved*

18 (2%) were upheld

Of the eighteen upheld issues, eight were distinct editorial issues of concern. Distinct editorial issues are the most useful and meaningful measure of editorial compliance, so the table below reflects this measure. (Total complaint numbers, including multiple complaints for the same content, are retained in brackets).

Content team	Not Upheld	Resolved	Upheld	Total
News, Analysis & Investigations	449 (1008)	15 (89)	2 (4)	466 (1101)
Entertainment & Specialist	37 (76)	1	3 (7)	41 (84)
Regional & Local	61 (73)	3	3 (7)	67 (83)
Total	547 (1157)	19 (93)	8 (18)	574 (1268)

Summaries of all complaints [upheld](#) and [resolved](#) by Audience & Consumer Affairs are publicly available on the ABC’s website. Whilst all complaint outcomes are reported to the ABC Board in statistical form, summaries of more serious or noteworthy complaints are also provided to the Board. In the case of the eight distinct breaches of standard 4.1 and/or 4.5, all were reported to the Board in summary form, as were twelve of the distinct resolved complaints.

* In accordance with the ABC Complaint Handling Procedures, a complaint is resolved where the content area takes steps to remedy the cause of complaint usually prior to or within 30 days of the ABC receiving the complaint, and the steps are considered by Audience & Consumer Affairs to be appropriate such that further processes to uphold, partly uphold or not uphold the complaint would add nothing of substance.

Observations on upheld and resolved complaints

Around 36% of distinct investigated issues were in relation to complaints about content covering various aspects of Australian politics: federal, state and local. No breaches of standards 4.1 or 4.5 were identified in Audience & Consumer Affairs' assessment of this content. Three were resolved.

Where breaches were identified, the topics of the content were: three about environmental issues (two about coverage of forestry in separate Regional & Local and Entertainment & Specialist content and one about a News story on climate action), two related to health (from a single piece of Regional & Local content), two about international affairs (from a single piece of Entertainment & Specialist content) and one about a description of Cardinal George Pell (from News content). Summaries of each are included below.

Six of the eight distinct breaches were for content accessed on radio. Twelve of the nineteen distinct resolved issues were for content accessed online, all of which were ABC News content. Overall, 60% of the News resolved complaints were due to omission of editorially relevant perspectives or alternative viewpoints. Such complaints can be resolved in a straightforward way where the content team promptly presents the missing perspective.

The more serious impartiality failings resulted in breaches of both standards 4.1 and 4.5, as well as other standard/s (including: accuracy; independence, integrity and responsibility; and harm and offence). Of the distinct upheld complaints, three were upheld solely against 4.1. No complaint was *only* upheld against standard 4.5.

Some of the factors that contributed to content not meeting impartiality standards or requiring appropriate steps to be taken to remedy the cause of the complaint were:

- Failure to appreciate weight of evidence ('false balance').
- Inaccuracies and lack of context.
- Lack of rigour in interviews.
- Inadequate consideration given to handling of contentious topics on program with a 'lighter' brief.
- Errors of judgement made by presenters in live interviews.
- Omission of relevant perspectives or alternative viewpoints that were editorially required.
- Inadequate publishing controls/oversight.
- Failure to upwardly refer.

Case studies illustrating these factors (and the interplay between them) are provided below.

Editorial action taken included: entries published on the ABC Corrections & Clarifications webpage; online content amended; Editor's Notes published, subsequent broadcast or presentation of interviews or statements from relevant parties/perspectives; removal of content.

Action taken by content teams to address the issues identified and reduce the likelihood of recurrence included: discussions with relevant staff/teams; provision of further training and guidance; counselling staff responsible; improved ability to identify and appropriately handle similar situations that are rare for that program; expansion of ABC guidance.

Summaries of all distinct breach findings and noteworthy resolved complaints are included below.

Failure to appreciate weight of evidence ('false balance')

Evenings, ABC Local Radio

Complaints: A December 2019 interview with a representative of the Australian Vaccination Risks Network (AVN) to explore the motivations of people who do not vaccinate inappropriately and dangerously gave a platform to the anti-vaccination movement.

Finding/action taken: Broadcasting this interview was a serious editorial misjudgement and three complaints were each upheld on seven counts, including standards 4.1 and 4.5. The decision to speak to the AVN on this highly controversial issue was not referred up to an appropriate senior manager as required under the ABC's Editorial Policies. There were numerous inaccurate and unsupported statements made in the interview which were not challenged or qualified by the presenter. There was a significant lack of context, including failure to disclose that the AVN is an activist group and that the interviewee had no medical qualifications. The interview failed to present information with due impartiality: accuracy breaches supported and amplified misinformation from the AVN.

Balance is a 'hallmark' of impartiality but does not operate as stand-alone requirement: it must always follow the weight of evidence. The claims of the AVN are not supported by the weight of evidence and a lack of context and inaccuracies served to unduly favour their views. There was no editorial justification for broadcasting the views of the AVN and there was a clear likelihood the interview could exacerbate threats to public health by propagating anti-vaccination misinformation. Accordingly, the broadcast was not in keeping with the ABC's editorial standards for: independence, integrity and responsibility **(1.5 & 1.6)**; accuracy **(2.1)**; harm and offence **(7.1 & 7.6)**; and impartiality and diversity of perspectives **(4.1 & 4.5)**.

The relevant management team spoke to the program team immediately on learning what had happened and worked with them on the content and tone of an interview which was

broadcast the following evening with an immunisation expert which served to rebut and clarify many of the erroneous claims made by the AVN the previous evening. The team was counselled. **Upheld.**

Inaccuracies and lack of context

ABC Science

Complaints: An online article comparing land clearing across states and territories contained inaccuracies, was misleading and was biased against forestry activities.

Finding/action taken: The story aimed to find some clarity in what is a highly complex area of policy at the intersection of environmental management and carbon accounting, involving both state and federal authorities, but it fell short. The article included several inaccuracies and lacked context. It incorrectly used the term 'deforestation' when referring to the process of land clearing. It failed to clearly identify that agriculture is the leading cause of land clearing, and particularly in sections on Victoria and Tasmania the focus was unduly on the role of forestry in land clearing. A short video of land clearing was captioned as footage of illegal logging, but it was not verified that the footage did in fact show logging. Reference to Regional Forest Agreements (RFAs) lacked sufficient context and could have left readers with the impression that RFAs do not include environmental protections. The definition of woody vegetation under the National Greenhouse Accounts guidelines was incorrect. The inaccuracies and lack of context had the effect of unduly highlighting the role of commercial forestry activities in land clearing. Corrections were made to the article, an Editor's Note added, and a correction was published on the ABC Corrections & Clarifications webpage. The issues were discussed with relevant staff. **Upheld (2.1 & 4.5).**

ABC News Online

Complaint: An article, which examined the complex nature of violence by women against their abusive partners, omitted key facts, accepted and presented as fact statements from a woman serving a sentence in prison, suggested hers was a miscarriage of justice, and lacked impartiality.

Finding/action taken: The story used a particularly complex case study to illustrate a very difficult area of public policy. However, there was insufficient editorial oversight and review considering the risks and complexity of the subject matter. There were problems with the story in the form in which it was initially published. For the most part, these problems arose from a lack of compliance with accuracy standards: the account given of the woman's case omitted material facts and at times presented her perspective as fact. **Breach 2.1.**

The article was significantly amended and an Editor's Note added to explain the changes made. An entry was also added to the ABC's Corrections & Clarifications webpage. With these issues addressed, readers were well placed to come to their own view about the woman's claims and the basis on which a judge made his decision. In addition to addressing the accuracy issues, ABC

News added further context and perspectives to the article which assisted readers to better understand the range of issues involved, which resolved the impartiality aspects of complaints. **Resolved (4.1).**

An increase in reporting in this area highlighted the need for more guidance and training and this was one of a small number of cases that prompted ABC Editorial Policies to expand guidance to [Dealing with Trauma and Survivors of Trauma](#).

Lack of rigour in interviewing

Afternoons, ABC Local Radio

Complaints: An interview with an environmental activist regarding the renewal of Regional Forest Agreements (RFAs) between the Commonwealth and Victorian governments lacked balance, the interviewee was not challenged, and no other stakeholders were invited to present opposing viewpoints.

Finding/action taken: The RFAs are controversial, particularly in the wake of the devastating bushfire season, and an obvious matter of current public policy debate in Victoria. This significant degree of contention meant that the ABC's requirements for due impartiality were necessarily high. While the interviewee's viewpoint was relevant to canvass, the interview lacked rigour and the interviewee was not challenged over any of her claims. The program had made no plan to gather or present any other relevant perspective prior to the interview going to air. After the complainant contacted ABC Radio, the program-makers recognised that a response to this interview was required and requested an interview with the relevant Minister to go to air the following day. There was no response from the Minister's office until the program followed up almost three weeks later and a statement from the Minister was then read on air on the *Afternoons* program. In Audience & Consumer Affairs' view, a number of other stakeholders could have been approached for comment by the program in the event that the Minister was unavailable. The relevant team was reminded of their obligations under the impartiality provisions. **Upheld (4.1).**

Religion and Ethics Report

Complaint: An interview which covered decriminalisation of sex work contained inaccuracies, the interviewer failed to adequately challenge the interviewee, and the interview lacked impartiality.

Finding/action taken: The interview provided a platform for an activist in this subject area and some of her terminology appeared to have been adopted by the interviewer. She made statements which were unchallenged, such as: that there is "no evidence to support" arguments made by the proponents of decriminalisation; in New Zealand, where sex work has been decriminalised, workers suffer "more violence" and "have less control over the interactions", and the industry has grown; that Amnesty International had been "seduced

into supporting prostitution". The presenter noted that the interviewee has been characterised as a "figure of the alt-right"; there was no acknowledgement that she is a controversial figure/activist (or that there is significant disagreement between feminists on this issue).

As a result of the complaint, a follow-up interview with a sex worker advocate and law lecturer was broadcast at a later date. This broadcast addressed the issues raised by the program's earlier interview and a prominent link to this interview was added to the program page online. The issue was discussed with the program team. **Resolved (2.1 & 4.1).**

Inadequate consideration in 'lighter' program

The Racket, triple j

Complaints: In an interview with the front man for a heavy-metal group, the interviewee made unsupported and one-sided claims about contemporary and historical conflicts between Armenia, Turkey and Azerbaijan.

Finding/action taken: The heavy music program featured the interview because the Grammy award winning band had released two new tracks for the first time in nearly fifteen years. However, as well as being the front man for the band, the interviewee is an experienced activist. The ABC's standards for impartiality apply to news and information content; to the extent that *The Racket* is an 'information' program, the audience expectation would be that it relates to heavy music. Usually the requirements for impartiality for a program like this are marginal. However, this interview went well beyond the usual remit and content of the program. In giving the activist a platform, the program provided extensive content which could reasonably be called 'information' about highly contested issues.

The interview provided, at length, an Armenian activist perspective on contemporary and historical events. The program allowed the interviewee to make numerous contested statements without sufficient context, challenge or clarification, and no alternative viewpoint was provided. The interview lacked context and the program *unduly* favoured an Armenian activist point of view. It was not in keeping with the ABC's editorial standards for accuracy or impartiality.

The ABC apologised to complainants for this significant editorial misjudgement. The editorial failures of the interview were discussed with the program team and editorial policies training was provided to both the immediate team and line management. Additional editorial policies training for the program team was subsequently held which included discussion of these breaches, and the breaches have been discussed in all other music training in 2021 to date (with producers, hosts, and management across the division). In particular, staff have focused on the contexts in which specialist music programming can become 'news and information' for the purposes of the ABC's editorial standards, and what

options are available to staff to anticipate or mitigate potential risks in this area. **Upheld (2.1, 4.1 & 4.5).**

Error of judgement in live interview

Afternoons, ABC NewsRadio

Complaints: A presenter demonstrated bias in that he expressed support for an interviewee's position.

Finding/action taken: The interview was with a member of the Emergency Leaders for Climate Action (ELCA) and was prompted by a report released by the ELCA which provided 165 recommendations for the federal government on bushfire readiness, response and recovery. The report was newsworthy and the questions put to the interviewee were relevant, based on news values and of interest to the audience. However, at the end of the interview the presenter said "...we wish you all the best with those recommendations, hopefully the federal government will take them on board...". This poorly delivered throwaway line in closing the interview gave the impression of support for the ELCA's recommendations and therefore did not meet the ABC's editorial standards for impartiality. It was an error of judgment made during a live interview. The matter was discussed with the presenter and producer. **Upheld (4.1).**

Evenings, ABC Local Radio

Complaint: An interview with an Indigenous elder about a proposal to open a liquor store in Darwin was misleading and the presenter expressed support for a campaign against the proposal.

Finding/action taken: The interview was intended to discuss the latest developments of the proposal by the company. However, it became immediately clear that the guest was not completely up to date with the proposal and the interview was brought to a close. At the end of the interview, the presenter expressed her support for a campaign against the proposal and her hope that it would be successful.

The matter was discussed with the program team and the presenter recognised that her comments were inappropriate. A previous approach to the company for comment had been declined and the program team made repeated attempts to contact the organisation after the complaint was received to offer them an interview. The invitation was declined, but the company provided a statement, the substantive aspects of which were read out on a later edition of the program. **Resolved (4.1).**

Omission of relevant perspective

Breakfast, ABC Local Radio

Complaint: An interview with an anti-coal mine campaigner contained false claims without response from the mining entity or relevant third parties.

Finding/action taken: The matters raised in the interview were newsworthy and the interviewee was well-placed to provide a perspective on the mining entities overseas operations. It was made clear to the audience that the interviewee was an anti-coal mine campaigner and she was challenged in the interview. The interview was not in itself a breach of the ABC's impartiality provisions. However, taking into account the level of contention on the matter, the program team was required to provide a timely response to the mining entity to claims made by the campaigner to ensure that the perspective of the anti-mine campaign was not *unduly* favoured. Additionally, the mining entity should have been approached for comment prior to or immediately after the interview given that the program was aware of the nature of the serious and highly contested allegations that were likely to be made in the interview.

The mining entity contacted the program the day after the interview at which point the presenter requested a statement and interview. The next day he read on air the substantive aspects of a statement that the company had provided that morning. Audience & Consumer Affairs was satisfied that this, together with a discussion of the lapse with the program area, was adequate to resolve the complainant's concerns regarding impartiality and a fair opportunity to respond to allegations. **Resolved (4.5 & 5.3).**

ABC News Online

Complaint: An interview and associated online story reported on research published by a UK think tank which had named a particular industry association in negative terms in relation to its influence on Australia's climate change policy. The coverage lacked impartiality and the ABC failed to approach the association for comment.

Finding/action taken: The online story was amended to refer specifically to the industry association's published response that the think tank's claims were incorrect and misleading, and a hyperlink to the response was included. An Editor's Note was added to acknowledge and explain the changes made to the article and a post was published on the ABC's Corrections & Clarifications webpage. Further, ABC News extended an offer to interview a representative of the industry association on its climate-related activities. **Resolved (4.1 & 5.3).**

ABC News Online

Complaint: A story on planned changes to responsible lending laws was misleading, lacked impartiality and failed to include counter views or contributions from government, industry organisations or third parties.

Finding/action taken: ABC News agreed that the story would be improved by providing context about the government's reasons for pursuing changes to the laws, and its views on the adequacy of consumer protections. It was amended to include further context and comments from the Federal Treasurer and a banking industry representative. Video of an extended interview with the banking industry representative was also embedded within the story. An Editor's Note was added to acknowledge and explain the changes made. **Resolved (4.1 & 4.5).**

ABC News Mornings, Breakfast, ABC TV and ABC News Online

Complaint: Reports on the domestic political debate in Malaysia concerning an Australian mining company's toxic waste management contained inaccuracies and failed to present a diversity of perspectives.

Finding/action taken: Two inaccuracies were identified in the content (**breach 2.1**). The errors were corrected and an Editor's Note added to the online report and the corrections were also published on the ABC's Corrections & Clarifications webpage. In terms of impartiality, the early television version of the report was written and edited in Malaysia the previous evening and sent to Australia before responses were received from the mining company; it did not present a diversity of perspectives on the contentious domestic debate in Malaysia. Subsequent reports broadcast throughout the day presented a range of relevant perspectives, including local supporters of the plant, the Australian High Commissioner, the Malaysian Prime Minister and the mining company. **Resolved (4.2 & 4.5).**

Drive, ABC RN

Complaint: An interview with an Israeli journalist and a Palestinian human rights campaigner, which discussed the status of Mizrahi Jews in Israel, contained inaccuracies, omitted relevant context, was misleading, was one-sided and showed anti-Israel bias.

Finding/action taken: The interview omitted material context and was not in keeping with the ABC's editorial standards for accuracy (**breach 2.2**). In terms of impartiality, the program subsequently interviewed Israel's Deputy Chief of Mission to respond to the issues raised in the interview that was the subject of the complaints. This took place in the same timeslot and was of a similar duration to the initial interview. An Editor's Note was added to the interview's online page which advised the audience that this counter view on the treatment of Mizrahi Jews and Palestinians in Israel was sought and presented in response to complaints. The Editor's Note included a link to the subsequent interview. **Resolved (4.2 & 4.5).**

ABC News Online

Complaint: A report on the potential negative impact of working from home on Australia's electricity grid was inaccurate and lacked balance in that it did not include an energy industry perspective.

Finding/action taken: ABC News promptly amended the story to include reference to a report by the energy market operator and to include an energy industry perspective. An Editor's Note was added to acknowledge and explain the changes made. **Resolved (4.1).**

Inadequate publishing controls/oversight

ABC News, ABC NEWS Channel

Complaints: An on-screen banner on a story about Cardinal George Pell's return to Rome referred to Cardinal Pell as 'disgraced'.

Finding/action taken: In light of Cardinal Pell's successful appeal and acquittal by the High Court of his previous conviction for child sexual abuse, the use of the descriptor 'disgraced' in this instance lacked fairness and open-mindedness and did not reflect the weight of evidence. The banner first appeared in the 3pm bulletin but was amended by the 7pm bulletin. The ABC apologised to complainants for the error and published a correction on the ABC's Corrections & Clarifications webpage. The producer responsible was counselled and relevant staff were reminded of the need to carefully follow established publishing processes. **Upheld (4.1).**

ABC News Online

Complaint: An ABC presenter provided his opinion and expressed views that were in contradiction to federal government policy and the position of the Chief Medical Officer.

Finding/action taken: A video of the presenter was posted on ABC Online in an unusual format – stripped of the interviewer's questions, which did not provide sufficient context. ABC News removed the content, including the headline which described some of the presenter's remarks as a 'recommendation'. **Resolved (4.5).**

Observations on not upheld complaints

As noted earlier, the principles which underpin the impartiality and diversity of perspectives standards state that assessing the impartiality due in given circumstances requires consideration in context of various relevant factors such as the type, subject and nature of the content; the circumstances in which the content is made and presented; the likely audience expectations of the content; the degree to which the subject matter is contentious; the range of principal relevant perspectives on the matter of contention.

The focus of the content is crucial in assessing compliance with both standards 4.1 and 4.5, as this will inform the range of perspectives included in the content, and the depth in which these perspectives are presented.

Each complaint is assessed on its own merit and it was evident from the data sample that there was a very wide range of reasons why content that attracted complaints was found to be in compliance with the standards.

In some cases, there was a clear misunderstanding on the part of the complainant about the application of these standards, such as the expectation that different perspectives must be treated “equally”; that if an episode of a program such as *Four Corners* has a sole focus on one political party it follows that it is biased; belief that the presentation of opinions is prohibited or that opinion content must itself be impartial; that guests participating in ABC content must remain impartial; that the inclusion of a perspective the complainant disagrees with demonstrates the content is biased. Importantly, the ABC is required to present a diversity of perspectives so that, over time, no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented. This requirement forms standard 4.2, which is not part of this complaints review.

There were also cases where the content reviewed was demonstrably not as the complainant claimed. For example, a viewer complained that an ABC reporter was biased in that he expressed his hope that then candidate Joe Biden would win the US Presidential election. The reporter did not in fact say that he personally hoped Biden would become President; he observed that Biden and running mate Kamala Harris hoped to be successful.

Some of the reasons that contributed to Audience & Consumer Affairs finding no breach of standard 4.1 (Gather and present news and information with due impartiality) included:

- **The focus of the content** was such that there was no editorial requirement to include particular information/perspectives that the complainant considered necessary to achieve impartiality. A complaint that a 7.30 story was pro-Israel was not upheld given the newsworthy focus of the report was the level of death and destruction caused in recent days on both sides of the conflict; there was no editorial requirement to present a more comprehensive history of the decades-old conflict within this context.
- Perceived bias in “too hard” interviews. Presenters may use the **adversarial or ‘devil’s advocate’ approach** to interviewing in order to take relevant points of criticism and put them to interviewees for response. This can sometimes give the impression that these are the personal views of the interviewer and prompt complaints, but that is not the case. The interviewer has a duty to conduct a testing interview that does not allow the interviewee to use the occasion as a political platform, and has a responsibility to try to cut through the sometimes evasive techniques of politicians facing difficult issues, and make reasonable efforts to ensure that questions are answered. Posing testing questions and then allowing the interviewee to respond to those questions is a recognised standard of objective journalism.
- **The type and nature of the content.** For example, Local Radio *Evenings* is clearly not a news or current affairs program; it is largely an entertainment program which prominently features talk back and the personal views of the host. A complaint that

an *Evenings* host “promoted” the ride-share company Uber was not upheld; a range of views was expressed on the issues to hand in the program, including the host’s personal views and experiences. The ABC’s editorial standards allow for such an approach by a live entertainment / talk back radio program.

- **Analytic content (professional judgement).** The primary purpose of analysis (including live commentary) is to aid understanding and provide richer context and information, rather than to pass judgement or sway opinion. Analytic content attempts to offer the audience a deeper understanding of an issue, often through detailed examination of the facts and by making connections between them which may not be immediately apparent. This includes providing context and background against which current events can be better understood. The ABC’s editorial standards permit analysis by ABC journalists provided it is based on demonstrable evidence and professional experience and judgement.
- **Politicians’ press conferences.** The broadcast of such press conferences (or cutting away to go to other coverage) does not of itself indicate bias. ABC News has a policy of live coverage of major news events (particularly on the ABC NEWS Channel) whenever possible, including press conferences. Political parties are aware of this policy and the timing of appearances of senior politicians are controlled by those parties, not ABC News. How these events are covered by ABC News is a reflection of the media events held by politicians of one side or another. The number will vary from day-to-day and the extent of the coverage is based on assessments of newsworthiness.
- It is a natural consequence of being in government, with the significant power to exercise a range of actions and decisions that impact the nation or a state or territory, that the respective government of the day will be subjected, on a newsworthy basis, to **rigorous scrutiny** and frequent coverage as a matter of public interest.
- Standard 4.1 goes to the *gathering* as well as the presentation of news and information and investigations will, as necessary, consider material from program areas in this regard, such as the demonstration of **good-faith efforts to secure and present relevant perspectives**. In one example, a complaint that the presentation of an interview with a state Premier but not the Opposition Leader in the 7pm news on the eve of a state election was not upheld: ABC News demonstrated the efforts undertaken to secure and present interviews with the leaders of both major parties. Appropriate efforts were made to work around the state Opposition Leader’s travel schedule, including the offer of a pre-recorded interview which was not taken up and a personal call from the state’s ABC News Editor to see if there was any way to accommodate an interview. The decision to proceed with presenting the Premier’s interview was appropriate in the circumstance; it would be inconsistent with the

ABC's independence and contrary to the public interest to allow the availability of one politician to direct the ABC's coverage of their adversary. In this case, for the interview that went ahead with the Premier, the questions put to the Premier were suitably rigorous.

Some of the reasons that contributed to Audience & Consumer Affairs finding no breach of standard 4.5 (Do not unduly favour one perspective over another) included:

- **The focus of the content** was such that there was no editorial requirement to include particular information/perspectives that the complainant considered necessary, and the omission of that perspective did not result in undue favouring of another perspective. A complaint that an article about abortion doulas was one-sided and favoured the 'pro-choice' perspective was not upheld: the story presented key facts about abortion doulas and included relevant perspectives. The focus was not the ethics of abortion, and there was no editorial requirement to broaden the focus in this manner, or to include the views of those who are opposed to abortion in this context. The story made clear that the decision to have an abortion may be extremely difficult to make, and featured links to a range of relevant organisations for women who may be affected by the story.
- **Complainants' expectations around composition of panels.** The ABC's impartiality standards do not insist that panels on programs such as *The Drum* and *Q+A* be evenly split across a perceived political or other spectrum, nor do they require panellists to be impartial or prevent them from expressing strong, contested or controversial points of view. Rather, the standards require a diversity of perspectives to be presented over time and prohibit the undue favouring of one perspective over others. What the ABC aims to do is explore a range of views on contentious matters so that audiences are better equipped to make up their own minds. Complaints alleging lack of balance in such programs were not upheld where Audience & Consumer Affairs observed that a range of different perspectives were expressed on the program and that no one view was unduly favoured over any other.
- **Review/opinion content.** Some programs, such as *Media Watch*, online opinion content, RN's *Between the Lines* and *Counterpoint* may duly favour the perspectives of the presenter and/or guests, and may at times include controversial perspectives, which will not necessarily be challenged within the program. A complaint that an article favoured public over private schooling was not upheld. The article looked at the UK Labour Party's proposal to abolish private schools and questioned whether such a plan would succeed in Australia. It was labelled 'Opinion' which indicated to readers that it presented the perspectives of its author. While there is no requirement for opinion content to itself be impartial, the article acknowledged opposition to the proposal from advocates of private schooling in the UK and anticipated that similar fierce resistance would likely arise should such a policy be

considered in Australia. Much of the article focused on the difficulties such a proposal would face in Australia, given the constitutional issues involved, the different governance arrangements for charities and churches, and the much larger proportion of Australian children who attend independent schools. Opinion content is compatible with the ABC's impartiality standards so long as a diversity of perspectives is presented over time, in keeping with standard 4.2. Education is a matter of ongoing public interest and is a subject the ABC has covered extensively. At the bottom of the article, links were provided to other articles presenting different perspectives on subjects including schools, private schools and public schools.

- **Perspectives were duly favoured.** An online story reported that a state coroner had warned of the dangers of co-sleeping following the “avoidable” deaths of two babies in separate incidents. A complainant said the story was one-sided in that it failed to include the perspective that co-sleeping is safe and beneficial. Audience & Consumer Affairs was satisfied that the views and advice presented in the article demonstrated a balance that follows the weight of evidence in this area and it complied with standard 4.5 by *duly* favouring the view that the safest way for infants to sleep is on their back, in their own cot, consistent with the advice of the Red Nose organisation.
- In a parliamentary democracy it is entirely **appropriate that the ABC present newsworthy criticism** of a particular government's handling of specific matters of contention, and that criticism may be from the relevant opposition party, which holds a principal relevant perspective. Of course, there must be no endorsement by the ABC of such criticisms or undue favouring of any perspective.

Australian Communications & Media Authority

During the two-year period, the Australian Communications and Media Authority (ACMA) finalised three Code investigations that included consideration of compliance with standards 4.1 and/or 4.5 and made breach findings in one of these cases (breach of both standard 4.1 and 4.5). The ACMA notified the ABC of a further 43 Code complaints that raised concern about compliance with these standards which were not accepted by the regulator for investigation.

Breach finding

Four Corners

Complaint: A complaint claiming inaccuracy and partiality in a report on infrastructure efficiency projects in the Murray Darling Basin. Initial complaints to the ABC were investigated by A&CA and not upheld.

ACMA finding: The ACMA found **breaches** of impartiality standards 4.1 and 4.5 in its investigation which considered compliance with accuracy standards 2.1 (reasonable efforts for accuracy and context) and 2.2 (do not materially mislead) as well as 4.1 and 4.5. The ACMA found that, while it was acceptable for *Four Corners* to present critical commentary, the program did not present sufficient information from other relevant perspectives to enable viewers to make up their own minds about the scheme.

The ACMA acknowledged that decisions by government officials and ministers to decline interviews, and the restrictions placed on the ABC's use of information provided in background briefings, constrained the program's ability to represent these perspectives, both in a general sense about the Infrastructure Scheme, and in responding to particular points of criticism. However, the ACMA was not persuaded that the refusals by government officials and the relevant Minister to participate prevented the ABC from presenting the principal relevant perspective on the matters of contention. The ACMA considered that the hallmark of impartiality of a 'balance that follows the weight of evidence' should guide programs to gather and present information from a range of sources and stated that this did not occur in this instance.

The ACMA acknowledged that the program identified evidence that pointed to concerns about the operation of the infrastructure scheme, and this evidence was presented in the program through testimony which was firmly weighted toward the scheme's critics. However, the ACMA stated that the 'balance that follows the weight of evidence', in circumstances where significant alternative viewpoints exist, should not operate in a manner that completely excludes those alternative viewpoints, and thereby excludes the balance that would be afforded by an examination (even a critical examination) of them.

The ABC noted the findings, but respectfully [disagreed](#) with the ACMA's view that the program lacked impartiality. As an example of 'accountability journalism', the program's clear and highly newsworthy focus was to present evidence-based concerns about the operation of the infrastructure scheme, so as to hold government to account for the use of significant taxpayer funding to support the scheme. In these circumstances, and given the specific criticisms made of the scheme in the program, referring to untested claims about the effectiveness of the scheme that were already on the public record, or seeking views from other non-government sources, were considered by the ABC to be an insufficient alternative when relevant government representatives – who could have provided evidence and not just an opinion – declined to participate. The ABC considered that the Code does not oblige journalism of this nature to take steps to moderate the impact of a deliberate decision not to participate.

No-breach findings

Four Corners

Complaint: A report discussed the adequacy of Australia's protections for threatened and endangered species. The complaint was that the episode's examination of the Leadbeater's Possum and the Swift Parrot contained inaccuracies, omitted important contextual information, lacked impartiality, and unduly favoured one perspective over another, in the way it portrayed the role of timber production. The initial complaint to the ABC was investigated and not upheld.

ACMA finding: The investigation considered compliance with accuracy standards 2.1 (reasonable efforts for accuracy and context) and 2.2 (do not materially mislead) as well as impartiality standards 4.1 and 4.5 and the ACMA found no breach of these standards. The ACMA noted that it was legitimate for the ABC to explore extinction risks in Australia, and for that exploration to include the views of conservation experts and volunteers in the field. Sufficient background information was provided about the interviewees for viewers to contextualise and apply requisite judgement to their statements. The ACMA considered that the program was presented with due impartiality and with no undue favouring of one perspective over another.

Q+A

Complaint: Complaints that an episode that featured a panel of guests from a feminist ideas festival had a biased panel, contained coarse language and advocated violence. Initial editorial complaints to the ABC were finalised as [resolved](#), given steps taken.

ACMA finding: The ACMA investigation considered the content's compliance with impartiality standards 4.1 and 4.5, as well as harm and offence standards 7.1 (harm or offence must be justified), 7.2 (provide warnings or advice), 7.4 (mitigate inadvertent or unexpected actions), 7.6 (mitigate risks for content that may exacerbate serious threats) and 7.7 (avoid unjustified use of stereotypes) and found no breach of these standards.

In terms of impartiality, the ACMA accepted that it is a valid editorial approach to tailor a program around a particular perspective – in this case a feminist perspective – if that focus is clearly communicated to the audience. In this case, the editorial context of the program was established as a collaboration with an ideas festival, although the ACMA considered that the audience may have benefited from a more expansive explanation of the nature of the particular festival and the basis on which the panellists had been selected. The ACMA stated that the program presented a view that accepted as a basic premise the existence of a patriarchy within Australian and western societies and the inclusion of this perspective was consistent with the editorial association with an ideas festival that also clearly accepted the existence of a patriarchy, and whose stated purpose was to comprehensively criticise and attack it. The program applied this particular critique to a range of current social issues:

aged care, treatment of social and cultural minorities, homelessness, Aboriginal deaths in custody, domestic violence, policing, discourse on social media, civil protest, climate change, disability discrimination and violence, and concepts of masculinity. In this way, the panellists' diverse lived and professional experiences were articulated through the lens of feminism.

The ACMA accepted the ABC's submission that this edition of *Q+A* was not a discussion about feminism; rather, the program took as its starting point the use of a feminist perspective from which to critique other aspects of society and in this was deliberately adding to the diversity of perspectives by commenting on the substantive matters that were considered in the program. The ACMA was of the view that information was presented with due impartiality and one perspective was not unduly favoured over another.

Conclusions

The key conclusion to be drawn from this analysis is that content examined by Audience & Consumer Affairs in response to complaints is overwhelmingly found to be in compliance with the ABC's standards for impartiality and diversity of perspectives. There is **no evidence of frequent or systemic non-compliance**, in findings of Audience & Consumer Affairs or the regulator, ACMA. However, the analysis does highlight some areas of vulnerability which would benefit from further attention.

While public criticism of the ABC's compliance with its impartiality standards frequently focuses on political coverage, such content was not found to be in breach of those standards in the period considered by this analysis. Rather, **coverage of contentious specialist subjects – particularly by teams outside the News division** – was more frequently represented in upheld complaints. This observation is supported by a further complaint [upheld](#) since the period examined in this review, but prior to the analysis being finalised. That complaint (about two editions of the same Local Radio *Drive* program) again related to coverage of a specialist subject – timber harvesting. The content was found to be in breach of standard 4.1 (on two counts, along with standards 4.4 (do not misrepresent any perspective) and 2.1 (make reasonable efforts to ensure that material facts are accurate and presented in context)).

A **rigorous focus on accuracy** will help protect against failures in impartiality as careless errors can give the impression of favouring a particular side of debate. The online article comparing land clearing across states and territories included several inaccuracies and lacked context and this had the effect of unduly highlighting the role of commercial forestry activities in land clearing. In the case of the radio interview with a representative of the Australian Vaccination Risks Network, accuracy breaches supported and amplified misinformation from the AVN. The radio interview with the front man for a heavy-metal group allowed the interviewee to make numerous contested statements without sufficient context, challenge or clarification, and no alternative viewpoint was provided and as a result the program *unduly* favoured an Armenian activist point of view.

The ABC recognises that there are few things more important to factual content making than the **interview**. Live interviews present the greatest challenges. The ABC's guidance on interviewing observes:

It is the key interaction between journalist/content maker and talent, the connection point where all of our most important editorial behaviours are on show.

It is where we tease out matters of accuracy, demonstrate our impartiality and commitment to a diversity of perspectives and exhibit our commitment to treating people fairly, providing an opportunity to respond to allegations and demonstrating the appropriate balance between showing respect and asking the tough questions.

Robust interviews – particularly devil’s advocate style political interviews – are frequently the subject of complaints to the ABC. No interview of that nature was found to be in breach of impartiality standards in the cases considered in this analysis. Rather, (and as also highlighted in the paragraph above) it was **a failure to rigorously challenge interviewees** that proved problematic, along with **a failure to anticipate and plan further interviews** to ensure that audiences are presented with the principal relevant perspectives on contentious issues. While complaints in this latter category were able to be resolved by the presentation of further perspectives after complaints were received, complaints should not prompt this activity. The onus is on content teams to give careful thought to the subject being covered, the range of viewpoints that should be presented, and the timeframe over which it is appropriate to do so – and to actively plan to deliver that content.

While instances of **false balance** were infrequent in the sample considered, misjudgements of this nature have the greatest potential to cause real harm. The interview with a representative of the Australian Vaccination Risks Network highlights this danger. Particularly in the current environment where misinformation is prevalent, it is critical that all content teams understand how the hallmarks of impartiality apply and the specific considerations that are brought to bear in providing ‘a balance that follows the weight of evidence’ and ‘opportunities over time for principal relevant perspectives on matters of contention to be expressed’. If the weight of evidence does not support a particular perspective, and that perspective is not a principal relevant perspective on a contentious matter, very serious consideration should be given before broadcasting or publishing that perspective. Upward referral is critical when such decisions are being made.

Recommendations

1. Additional attention to coverage of specialist subjects, particularly by teams in Regional & Local and Entertainment & Specialist

While the overall numbers of breach findings remain very low, they are disproportionately associated with content produced by the Regional & Local and Entertainment & Specialist teams. The planned release of a revised editorial guidance note for Impartiality and Diversity of Perspectives should be used as an opportunity to trigger discussions and training within relevant teams and embed understanding of key concepts. The importance of accuracy in achieving impartiality – including in interviews – should be reinforced.

2. Anticipate and plan coverage

In the sample considered, a cluster of resolved complaints went to the omission of relevant perspectives or alternative viewpoints that were editorially required in order to equip audiences to make up their own minds – indeed, 60% of resolved complaints for News content were in this category. Providing diverse sources of reliable information and contending opinions on matters of contention is a key expectation of the ABC as a public

broadcaster, and should be front and centre for editorial teams anticipating and planning coverage. Where complaints raise such issues, timeliness of response from the program area is a critical consideration in assessing whether complaints are capable of resolution and all teams must be mindful of the need to give prompt and considerate attention to these matters.