REVIEW OF EDITORIAL COMPLAINTS

7.5 Violence, tragedy and trauma

Audience & Consumer Affairs

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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 handle the reporting or depiction of violence, tragedy or trauma with extreme sensitivity. 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 standard

Harm and offence

7.5 The reporting or depiction of violence, tragedy or trauma must be handled with extreme sensitivity. Avoid causing undue distress to victims, witnesses or bereaved relatives. Be sensitive to significant cultural practices when depicting or reporting on recently deceased persons.

The harm and offence standards are accompanied by the following principles:

The ABC broadcasts and publishes comprehensive and innovative content that aims to inform, entertain and educate diverse audiences. This involves a willingness to take risks, invent and experiment with new ideas. It can result in challenging content which may offend some of the audience some of the time. But it also contributes to diversity of content in the media and to fulfilling the ABC's function to encourage and promote the musical, dramatic and other performing arts. The ABC

acknowledges that a public broadcaster should never gratuitously harm or offend and accordingly any content which is likely to harm or offend must have a clear editorial purpose.

The ABC potentially reaches the whole community, so it must take into account community standards. However, the community recognises that what is and is not acceptable in ABC content largely depends on the particular context, including the nature of the content, its target audience, and any signposting that equips audiences to make informed choices about what they see, hear or read. Applying the harm and offence standard, therefore, requires careful judgement. What may be inappropriate and unacceptable in one context may be appropriate and acceptable in another. Coarse language, disturbing images or unconventional situations may form a legitimate part of reportage, debate, documentaries or a humorous, satirical, dramatic or other artistic work.

As the ABC <u>Harm and Offence Guidance Note</u> states, the ABC is required to report newsworthy events involving violence, tragedy or trauma. When doing so, it is crucial to be extremely careful when covering these events and dealing with people who are victims, witnesses or bereaved relatives. The Guidance Note says: "It is often important to share with audiences the real impact of such events on those involved and provide people with an opportunity to bear witness or have their stories heard. However, we do have obligations towards anyone we interview and need to be aware of their capacity to give informed consent and the risk of inadvertently causing them further distress". These obligations do not end with the initial broadcast or publication: "We need to be sensitive in how we reuse footage of tragedies or interviews with those affected in promotions and in coverage of later developments, anniversaries, and similar events".

The ABC also depicts violence, tragedy and trauma in fiction. Whilst standard 7.5 is most often engaged in reporting or depiction of actual events, on such depictions in fiction the Guidance Note offers: "There is nothing wrong with doing so, but we need to be cognisant of the possibility of causing distress to members of the audience who may have had similar personal experiences or connections to victims in similar circumstances".

Standard 7.5 also requires sensitivity to significant cultural practices when depicting or reporting on recently deceased persons. The Guidance Note states: "Finally, please respect the wishes and customs of the families and communities of people who have died. If a deceased person is Indigenous, there may be specific restrictions on using their given name, image or voice. Where appropriate, provide warnings to Indigenous viewers if content contains (or may contain) images or voices of people who have died".

Other Guidance Notes that make specific reference to standard 7.5 are: <u>ABC Indigenous</u> <u>Content</u>; <u>Dealing with Trauma and Survivors of Trauma</u>; <u>Hate Speech, Terrorism and Mass</u> <u>Killings</u>; <u>Suicide and Self Harm</u>; and <u>Use in News Reports of Pictures from Social Networking</u> Sites. Also relevant is the Guidance Note Domestic Violence and Abuse.

Scope

The review was based exclusively on editorial complaints data. The review examined all complaints investigated by Audience & Consumer Affairs over the three-year period from 1 April 2018 to 31 March 2021 where at least one issue raised in each complaint had been assessed against standard 7.5. A total of 53 complaint issues were identified.

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 raised issues of compliance with standard 7.5, 25% (13) also went to other standards; these included other harm and offence standards as well as accuracy, impartiality, fair and honest dealing and privacy.

The vast majority (45) were about content that was under the editorial responsibility of the News, Analysis and Investigations content area. Six related to Regional & Local content and two related to Entertainment & Specialist content.

In terms of platform, 55% (29) of the complaints related to content published online. Twenty three were about content broadcast on television and one was about content aired on radio. Where genre was recorded in the data, the largest category was news (44), followed by current affairs (2).

Programs/content that attracted the greatest numbers of complaints requiring investigation for compliance with standard 7.5 were: ABC News Online (29) and 7pm news bulletins (14).

Outcomes

25 (47%) were not upheld

17 (32%) were resolved*

11 (21%) were upheld

Multiple complaints are often received for the same issue in the same piece of content. Of the eleven upheld complaints, five were multiples. Distinct breaches 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	18 (20)	5 (15)	5 (10)	28 (45)
Regional & Local	3	2	1	6
Entertainment & Specialist	2			2
Total	23 (25)	7 (17)	6 (11)	36 <i>(53)</i>

Summaries of all complaints <u>upheld</u> and <u>resolved</u> 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 six distinct breaches of standard 7.5, three were reported to the Board in summary form, as were three of the distinct resolved complaints.

Observations on upheld and resolved complaints

Of the distinct upheld and resolved complaints, eight were in relation to reporting of violence, tragedy or trauma and five were in relation to the inclusion of images or footage of deceased Indigenous people (four of which were lodged by a single complainant about different items of content over a period of time). The case studies below are grouped accordingly.

Four of the six distinct upheld complaints were the result of deliberate editorial decisions and two were the result of oversights. Where this information was available in the complaints data for the seven distinct resolved complaints, at least four were the result of deliberate editorial decisions.

In all of these cases, content teams took appropriate action to address the issues identified and reduce the likelihood of recurrence. This included removal or editing of content, addition of a file note on archival material to prevent content being used in future, addition

^{*} 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.

of relevant warnings, provision of further training and guidance, and counselling staff responsible.

Reporting or depiction of violence, tragedy or trauma

ABC News Online

Complaint: A story included an insensitive and inappropriate subheading.

Finding/action taken: The subheading 'Cruising for a bruising', in a section of the story that referred to a woman's abuse at the hands of her partner on a cruise, was inappropriate language in an article about such a serious matter and the ABC apologised to the complainant for its inclusion. The original wording was a serious error of judgement which carried a high likelihood of causing harm and offence. There was no editorial justification for its inclusion (standard 7.1) and it did not demonstrate the extreme sensitivity required in the reporting or depiction of violence, tragedy or trauma (7.5). The relevant ABC Regional & Local content team changed the subheading once they became aware of it and the reporter was counselled. **Upheld.**

7pm News

Complaint: A story about domestic violence and concussion included a dramatisation that was offensive and gratuitous.

Finding/action taken: The inclusion of the dramatisation was a serious misjudgement. It did not demonstrate the required sensitivity (7.5); was very likely to cause harm and offence; and it was not justified by the editorial context (7.1). The ABC apologised to the complainant for the inclusion of this footage, discussed the matter with relevant staff and undertook to provide further training and guidance and reinforce the requirement for upward referral. **Upheld.**

ABC News Online

Complaint: An article on family violence shared a traumatic domestic violence incident without consent and included an inaccurate reference to children.

Finding/action taken: The feature story aimed to show the audience a snapshot of life on the front line of policing, to show the scale and severity of family violence. The reporter and camera operator spent a shift with local police and the story was produced with the approval of the relevant police media unit. ABC News advised that great care was taken not to identify any of the parties. While ABC News considered that the visual material had been carefully selected and edited, Audience and Consumer Affairs concluded that images used would have permitted people familiar with a person featured to identify the person and children. The decision to publish images of the person's home and children did not comply with the ABC's privacy standard (6.1) or standard 7.5. ABC News removed these images from the story. **Upheld.**

(Additionally, ABC News amended a reference to the cchildren and this accuracy aspect of the complaint was resolved). The ABC apologised for these editorial misjudgements and the distress caused.

7pm News, ABC TV

Complaint: A report about the discovery of two missing campers whose bodies were found in a car inappropriately showed the hair of one of the deceased occupants visible from the car window.

Finding/action taken: Unfortunately, this detail in the footage was not picked up on the small screen in the edit suite when the report was being prepared. It was, however, immediately noticed as the report aired and ABC News re-edited it for the ABC News online site and future broadcasts on the ABC News channel. Despite these quick actions, the report as broadcast on the 7pm News was not in keeping with standard 7.5. Six complaints were upheld and the ABC apologised to complainants for any distress caused by this error. **Upheld.**

ABC News Online

Complaint: Several complainants raised concerns that a story contained images of vulnerable teenagers which breached their privacy and dignity. One of the complainants also raised similar concerns about an associated report on the 7pm television news.

Finding/action taken: There were strong public interest arguments for presenting this story; care and protection of children and other vulnerable members of society are matters of significant public interest. ABC News considered that the confronting vision and pictures were material facts to the substance of the story, which was the alleged sustained neglect of the teenagers and apparent failure of authorities. ABC News gave careful consideration to the detail included in these stories before they were broadcast and published, and the choices were underpinned by strong public interest considerations in view of serious and ongoing concerns about the effectiveness of the relevant state's child protection agency. ABC News limited the initial use of the photos and did not re-use them. The teenagers' faces were blurred and their names were not used. While the 7pm news story included footage of the children in squalid conditions, Audience & Consumer Affairs was satisfied that the selection of images for this TV story demonstrated the extreme sensitivity required by standard 7.5. However, as initially published, the online story included the same footage of the children as well as a more distressing still image. The requirement for extreme sensitivity was particularly acute given the age and vulnerability of these teenagers, and the absence of any parent or guardian to protect their interests. ABC News elected to remove the footage and the more distressing image from the online archive and in this regard, eleven complaints were finalised as resolved.

7pm News, ABC TV

Complaint: A report on a fatal stabbing included footage of a person receiving CPR on a footpath.

Finding/action taken: ABC News acknowledged that in this instance it would have been appropriate to end one of the shots some frames earlier and to keep it wider, to minimise potential harm and undue stress to family members. A file note was made on the archival material to prevent this shot being used in future. **Resolved.**

ABC News Online

Complaint: A story on the sentencing of a teacher's aide to four years prison for sexually abusing a teenage boy at school inappropriately referred in the headline and introductory paragraph to her offence as "having sex" with the boy.

Finding/action taken: ABC News promptly made changes so that the headline and introductory paragraph referred to sexual abuse. **Resolved.**

ABC News Online

Complaint: A complainant said that an article about a paramedic who died while responding to a job inappropriately included images and comments taken from a Facebook page without permission and that the article claimed comments had been made directly to the ABC.

Finding/action taken: ABC Regional & Local removed the photographs and the comments from the article, which was intended as a tribute to the paramedic, and apologised for any distress caused. **Resolved.**

Sensitivity to significant cultural practices

The editorial complaints process identified a recurring issue with non-compliance in relation to the requirement to be sensitive to significant cultural practices when depicting or reporting on recently deceased persons; the five complaints listed below were all either upheld or resolved in a five month period. In response to this, the New South Wales News Editor issued a reminder to relevant staff of the importance of this aspect of the standard and the ABC Editorial Director separately followed up with a reminder to all ABC staff of the requirements of standard 7.5.

ABC News Online, 7pm News, ABC TV

Complaints: Five complaints (four from a single complainant) identified content that included images of deceased Indigenous people without warning.

Findings/action taken: In one case, a mistake had occurred because a photograph was processed separately from the filing of the story and the digital producer was not aware that the woman was Indigenous. This News story was promptly amended to remove the relevant image and the

ABC apologised to the complainant for any distress caused by the story as originally published. The editorial team was reminded of the ABC's editorial requirements in this regard and of the need to check for cultural restrictions with any deceased Indigenous person. **Resolved.**

In another case, the content team had been in communication with the deceased person's family and were guided by their wishes in presenting the story, including naming and using an image of the community member. The team considered this sufficient to meet the requirements of standard 7.5. However, Audience & Consumer Affairs determined that a warning was required to help other Indigenous audience members decide whether they wanted to access a story containing an image of a deceased person. Accordingly, ABC News amended the image used to promote the story and added a warning to the story itself to alert Indigenous readers to its content and enable them to choose whether or not they access the material. **Resolved.**

A warning had not been added to a Regional online story due to an oversight. A warning was promptly added and the ABC apologised to the complainant for any distress caused by the story as originally published. **Resolved.**

A warning was not included in a News online story due to an error which the ABC acknowledged to the complainant was unacceptable. A warning was added to the story, the staff involved were counselled and the ABC apologised to the complainant. While the warning was added relatively promptly after the complaint was made, the complaint was upheld in view of a pattern of non-compliance and the editorial decision making in this case. **Upheld.**

A television news report included distressing footage of events which preceded the death in custody of an Indigenous man. A prior warning about the nature of the content should have been provided to viewers (standard 7.2) and Indigenous viewers should have been advised that the story contained names and images of people who have died (standard 7.5). The ABC apologised to the complainant for the failure to provide these warnings. **Upheld.**

Observations on not upheld complaints

The majority (64%) of distinct complaints investigated against standard 7.5 resulted in not upheld findings where Audience & Consumer Affairs was satisfied that the content which was the subject of the complaint complied with the standard.

In keeping with the overall skew towards news content identified in this review of complaints, those not upheld were mostly about content under the responsibility of ABC News, Investigations & Analysis teams. In providing a comprehensive news service, the ABC will often report on violent, tragic or traumatic events. The harm and offence standards, including standard 7.5, do not operate to stifle such coverage. However, the requirement to handle such matters with extreme sensitivity and avoid causing undue distress means covering these stories necessarily involves difficult editorial judgements around what to include in reports to enable the audience to be properly informed about the events, and also the impact on people affected by them.

Some of the considerations made by Audience & Consumer Affairs in assessing whether the standard was met included:

- A helicopter crash site was filmed in a sensitive manner by the local camera operator, who was careful not to show the bodies of the victims. No victims were identifiable in the video and no deceased persons were shown.
- Images of a car in which people had died were specifically chosen to be brief and not show detail but give an appropriate understanding to viewers of both the incident and conditions on the ground.
- An eyewitness account included details about the death of a man who was stabbed by an assailant. These details were graphic but not gratuitous and were not accompanied by imagery of the incident. The victim was not identified in the broadcast. Recognising that the eyewitness account could be confronting to viewers, subsequent coverage either provided a warning before airing an extended interview or used an edited version of the interview that only contained limited details about the incident.
- The manager of a tourist lodge that had burned down was interviewed. His
 emotional response captured the heartbreak of the moment. The inclusion of his
 response provided viewers with a deeper understanding of the impact of the loss for
 the community of a tourism icon. He advised that he was pleased that this sense of
 loss was captured in the ABC coverage.
- An ABC reporter clearly identified himself to relatives at the scene of a domestic
 violence incident that resulted in death and had permission to interview them at the
 scene. The story included two brief grabs of a deceased man's daughter speaking to
 the reporter; although she was understandably distraught, she was clearly willing to
 speak on camera and nothing in the footage suggested she was distressed by the
 media presence itself.
- A report about an attack by a dog on a child only provided limited details regarding the incident and the injuries suffered by the child.
- An online report on the sentencing of a man to a prison term for causing a crash that killed two people included an embedded video to illustrate the series of events which led to the fatal crash. The video was carefully edited to excise the moment of impact and included a clear warning that viewers may find the material distressing. A still from the video was used as a freeze frame to illustrate how the vehicle had been pushed into the path of oncoming traffic. Again, it was carefully selected to not show the moment of impact. No one in the vehicle was either visible or identifiable. While distressing, the footage was a very sobering indication of the consequences of a failure to pay proper attention while driving on a busy road. The footage went some

- way to explaining why the man was sentenced to prison, despite his remorse and subsequent actions.
- Television and online stories reported that a perpetrator was guilty of assault and had been found not guilty of intending to sexually assault his victim. The stories included the judge's reasoning for the not guilty finding. Footage of the assault that had been aired in court was included so that viewers and readers could gain a proper appreciation of the violent and terrifying nature of the attack, and better understand the basis for the judge's decision. The introduction to the television news story warned viewers that it contained distressing images, and the description provided underneath the embedded video in the related online story provided readers with relevant information about what they would see if they chose to watch that footage. Neither story disclosed detail that would allow the victim to be identified and nor did either story shame the victim in any way.

Australian Communications & Media Authority

During the three-year period, the Australian Communications and Media Authority (ACMA) finalised one Code investigation that included consideration of compliance with standard 7.5 and made breach findings in this case. The ACMA notified the ABC of a further one Code complaint that raised concern about compliance with standard 7.5 which was not accepted by the regulator for investigation. The ACMA also conducted an own-motion investigation into coverage by Australian television broadcasters of the Christchurch terrorist attack; for ABC coverage, standard 7.5 was a relevant Code provision.

The investigation that made breach findings included privacy issues and the ACMA did not publish its investigation report. The summary that follows is necessarily without detail. It is important to note, however, that the relevant teams in the ABC who were involved with the content were well across the full details of the ACMA finding.

ABC TV

Complaint: A program which told an abuse survivor's story caused distress by referring to a relative's childhood sexual abuse without consent.

ACMA finding: The ACMA determined that both the initial and a repeat broadcast breached standard 6.1 (privacy) and standard 7.5.

In terms of harm and offence, the ACMA considered that, although the ABC exercised some sensitivity by including only a minimal amount of detail about the relative's abuse, the ABC's failure to contact the relative, considering the detail that was broadcast, indicated that the ABC did not handle the reporting with extreme sensitivity in the circumstances, and did not avoid causing undue distress.

The ACMA was satisfied with the remedial action taken by the ABC to address the breaches:

- A Guidance Note on Trauma was issued.
- The program and accompanying transcript were edited to remove the reference to sexual abuse of the relative.
- The relevant team participated in a session with an editorial advisor to discuss issues associated with telling survivors' stories.
- The program makers wrote to the relative to apologise for the distress caused.

ABC Editorial Policies has advised that this incident has been widely used as a case study with content makers in Regional & Local and Entertainment & Specialist to build awareness of these issues.

Investigation into coverage of the Christchurch terrorist attack

The ABC provided extended coverage of the events in Christchurch, both as they unfolded and in the following hours and days. Editorial decisions were necessarily made instantaneously as events occurred, guided by the ABC's commitment to public interest journalism and its editorial standards. Reporting what happened and analysing how it could have happened were clearly in the public interest and the ABC was confident that it approached this coverage in a careful, responsible way. The ABC received very few complaints raising concern about its coverage's compliance with ABC editorial standards, and none that required investigation for compliance with standard 7.5.

The ACMCA investigation report made no criticism of the ABC and it was clear that, compared to some other broadcasters, the approach taken by the ABC was careful and consistently appropriate. The ACMA report acknowledged that the ABC has a Guidance Note that covers the use of material from live-streaming apps.

Although the ACMA expressed concern about some footage shown by other broadcasters (especially video footage of people being shot at), they concluded that "given the level of responsibility shown by the broadcasters and the unique circumstances of this incident, the ACMA considers that finding individual contraventions of the Codes would have little regulatory or educative benefit" and accordingly no breach finding was made against any broadcaster. Instead, the ACMA intended the investigation to prompt productive conversations with the industry about whether its Codes are adequately framed to deal with this type of material in future. Drawing from its observations of material presented by other broadcasters, the ACMA identified the following issues for consideration:

• the need for extreme care when broadcasting material with high impact, in particular explicit footage of a person being killed;

- the inconsistent, inadequate and ad hoc provision of viewer warnings;
- the frequent repetition within short time frames of high-impact vision;
- the need for particular care when broadcasting excerpts from perpetrator and victim generated content; and
- that overseas produced news content may result in the broadcast of footage that exceeds the impact of material edited for broadcast by Australian broadcasters.

It was clear that the ABC Code of Practice provided proper safeguards for viewers, and that the ABC's editorial decision making across all relevant content complied with the Code requirements.

Conclusion

Analysis of complaints data indicates a generally satisfactory level of compliance with standard 7.5 in so far as it applies to the requirement for extreme sensitivity when reporting or depicting violence, tragedy or trauma and avoiding causing undue distress to victims, witnesses or bereaved relatives. In the majority of cases, it was evident that editorial teams had given careful consideration to these matters prior to presenting material, judging that the significant public interest in telling particular stories weighed in favour of including certain material. While public interest is fundamentally important, the language of standard 7.5 sets a singularly high bar for the extent to which consideration is to be given to other relevant issues.

Where problematic content was identified through complaints, content areas took the matters seriously and took appropriate follow up actions in order to reduce the likelihood of repeat occurrences. Two areas of coverage were overrepresented: family and domestic violence and abuse; and sensitivity to significant cultural practices when depicting or reporting on recently deceased persons. Both of these areas are highly newsworthy and deal with matters of significant public interest, and audiences have high expectations of the ABC's coverage. Continued efforts need to be made to ensure that the ABC's ongoing coverage complies with standard 7.5.

Recommendations

1. Sensitivity to significant cultural practices

In addition to taking action to remedy individual cases, a recurring issue of non-compliance with the requirement to be sensitive to significant cultural practices when depicting or reporting on recently deceased persons was addressed through broader reinforcement of this requirement to a wider content team, and subsequently to all ABC staff. The complaints data shows that the pattern of non-compliance has not continued since these

efforts were made. Content teams should look to reinforce this message in coming months in order to embed this knowledge and ensure awareness amongst incoming staff. Educating teams about the principles which underpin this aspect of the standard will help to prevent recurrence of errors.

2. Family and domestic violence and abuse

There were two particularly concerning cases in this category where content demonstrated acute insensitivity – these were a subheading included in an online article and a dramatisation included in a television news story. This does not appear to be indicative of a systemic failure to understand the seriousness of this subject matter and it is worth noting that complaints remain low notwithstanding extensive coverage of this subject over the period of this review. Indeed, for both cases in which serious misjudgements were made, the focus of each story was on supporting victims of domestic violence and abuse. As the ABC's guidance notes on Dealing with trauma and survivors of trauma and Domestic Violence & Abuse have both only recently been published, content divisions should look for further opportunities to draw attention to these important resources and reinforce their messages in discussions with staff.