

Quality Assurance Project 3:

Impartiality (News Content)

Final Report July 2008

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POLICIES

ABC
Australian
Broadcasting
Corporation

Editorial Policies

The Editorial Policies of the ABC are its leading standards and a day-to-day reference for makers of ABC content. The Editorial Policies –

- give practical shape to statutory obligations in the ABC Act;
- · set out the ABC's self-regulatory standards and how to enforce them; and
- describe and explain to staff and the community the editorial and ethical principles fundamental to the ABC.

The role of Director Editorial Policies was established in 2007 and comprises three main functions: to advise, verify and review.

The verification function principally involves the design and implementation of quality assurance projects to allow the ABC to assess whether it is meeting the standards required of it and to contribute to continuous improvement of the national public broadcaster and its content.

Acknowledgements

All experiments in an accountability context are leaps of faith, the more so when accompanied by transparency. Accordingly, the Director Editorial Policies thanks John Cameron, Director News, his senior staff and all relevant Victorian staff of the ABC News Division for their trust as well as their cooperation in this project. No other journalists in Australia are required by their own organisation to undergo the sort of scrutiny that these quality assurance projects involve. The ABC is the stronger for that. Thanks also to: Denis Muller and the team of four reviewers for their skill and judgement; Michelle Fisher, Manager Research, and Jessica List, Executive Assistant; and the various participants in the debate over the channel-deepening issue, coverage of which formed the sample analysed, who gave time to be re-interviewed and otherwise co-operated with this project.

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Foreword

Impartiality is expected of news reporting in both the public and commercial media. Journalism literature abounds with references to the need to strive for fair and accurate coverage of news and to separate it from opinion, with the great editor C.P. Scott putting it most famously: "Comment is free, but facts are sacred."

Public broadcasters such as the ABC have a statutory duty to provide news and information that is impartial. But even commercial media, who are free to be partial if they choose, usually subscribe to a standard requiring news reports to be objective and impartial, and opinion to be clearly labelled.

Whether this standard is met is often arguable in particular cases. The point here is that it is a generally acknowledged norm among all media. That fact is relevant to this project, the first of its kind to assess impartiality in ABC content in the news and current affairs category (Editorial Policies, section 5). The shared norm means that comparisons may be made between ABC coverage and the reporting of the same events/issues by commercial media entities. The comparisons may need to be qualified in some ways, but nevertheless there is an opportunity for "peer analysis" in projects like this one.

The overall conclusion of the report is that the sample of ABC TV news coverage analysed was impartial according to the test applied in this experimental project. Why "experimental"? Because the exact study design was previously untried and the definitions of two key terms, "impartiality" and "news values", were purpose-built.

Despite the abundant literature about impartiality as a norm of news reporting, surprisingly little tells you of what, precisely, impartiality consists.² You must be clear about the elements of impartiality if you are going to assess media content for the presence of it, especially if you want to judge whether those who were responsible for the content met, to a sufficient degree, a requirement for impartiality.

In this project, impartiality is regarded as having seven elements: accuracy, fairness, balance, context, the absence of conflicts of interest, the absence of prejudgment, and decision-making based on news values. The seventh element, news values, complicated the process. In day-to-day journalism, news values are rarely made explicit, let alone defined and dissected. They are so embedded in the routine they are unspoken. Decision-makers rely on a kind of shared professional gut feel about what is news and why. It is nevertheless possible to list and explain the primary news values: magnitude, negativity, proximity, timeliness, prominence, personification, and unexpectedness (see Appendix I, Methodology, Definitions section, for a fuller explanation).

It was decided that the element "news values" would have to be included in any decent attempt to assess whether a given sample of news coverage was impartial. If news coverage seems not to reflect news values, the decision-making underlying it may have had other motives, such as bias, that justify further enquiry.

A larger purpose is served by listing and explaining news values. In this new era of greater transparency about the traditional media, brought on partly by the independent power to search and disclose that technology has given to bloggers and other media watchers, it is increasingly necessary for journalists to de-mystify their decision-making, including terms of art like "news values". Maintaining the audiences' trust and confidence depends on it.

This project is part of the ABC's continuous effort to assess whether it is meeting the standards set for it by the *ABC Act* and by its own Editorial Policies. In the absence of off-the-shelf techniques or methods commonly applied throughout the Australian media, the ABC is creating methods. They have to be both fair and rigorous. In effect, the ABC is giving itself and its audiences (and, yes, its critics and rivals) a map to take discussions about impartiality and bias in media into more fertile territory.

For an example of efforts in this area, see the BBC News' *The Editors* blog, http://www.bbc.co.uk/blogs/theeditors/.

¹ C.P. Scott (editor of the *Manchester Guardian*, 1872-1929), "A Hundred Years", 5 May 1921, *Manchester Guardian*. Reprinted by *The Guardian*, http://www.guardian.co.uk/newsroom/story/0,11718,850815,00.html. Reproduced in *C.P. Scott 1846-1932: The Making of the Manchester Guardian* (Muller, 1947) page 160.

² ABC, Editorial Polices Division, *The Elements of Impartiality*, Discussion Paper (September 2007, updated November 2007), http://abc.net.au/corp/pubs/documents/200806 reformatted elements of impartiality.pdf,

Typically, a meaningful debate gets lost in the multitude of definitions of impartiality that the protagonists use. Most people have their own understanding of impartiality in mind, and that is usually (and naturally) based on their own values and their own views about the contentious subject matter at hand.⁴

A multitude of individuals' definitions of impartiality is not surprising. But neither is it conducive to a meeting of minds about what ought reasonably be expected of makers of media content before the news they report to us can legitimately be described as impartial.

Tentative, qualified, work-in-progress though it is, in this project's method is the beginnings of a discussion about impartiality in news that can take the ABC, its audiences and its critics somewhere other than round in circles.

PAUL CHADWICK
Director Editorial Policies

July 2008

⁴ This is eye-of-the-beholder country. As the founder of the BBC, John Reith, observed: "When people feel deeply, impartiality is bias." The ABC's own Sir Richard Boyer, chairman from 1945 to 1961, made similar observations: see, for example, G.C. Bolton's *Dick Boyer – an Australian humanist* (ANU Press, 1967) pages 152-53.

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I. Introduction

The Australian Broadcasting Corporation commissioned this firm in 2007 to assist it to devise and implement a new system of editorial quality assurance. The system consists of a number of separate projects, of which this is the third. Its focus is on Impartiality of News Content. The methodology was devised by the Principal of this firm, Dr Denis Muller, in collaboration with the ABC's Director Editorial Policies, Mr Paul Chadwick. The implementation of it was carried out independently of the ABC by Dr Muller, reporting to Mr Chadwick.

To keep faith with undertakings given to the people interviewed in this research, the report was confidential to the ABC. This is a de-identified version of the report for release at the discretion of the Managing Director of the ABC. In other quality assurance project reports, it has been the practice to include as an appendix the full response of the Division or Divisions whose work has been analysed. News Division provided a full response in this project. The content of the response has been incorporated appropriately in the text of the report, but the full text of the response is not included because the detail would tend to identify people interviewed in the research. This report:

- presents the rationale, objectives and guiding principles for the project;
- describes the study design and methodology;
- presents the findings;
- presents conclusions, and
- provides as appendices the Methodology in full, the interview schedule used, and the names and affiliations of interviewees.

This is in the nature of an experimental pilot project. No comparable editorial quality assurance system has been found to exist in media organisations in countries with a similar cultural and political setting to Australia. The methodology will be reviewed after the experimental pilot is complete.

We would like to emphasise that while all the studies done so far in the quality assurance projects have been pilots, this one is genuinely experimental as well. Developing a test for impartiality of News Content where none existed in the Editorial Policies has been a complex undertaking. Moreover, since the test used here did not exist at the time the work under review was carried out, it is not intended that the test be used for other than experimental purposes on this occasion. It is not fair or reasonable to hold people to account against a detailed definition that did not exist at the time they did their work.

A draft of the report was circulated to News Division for comment. Those comments have been taken into account in the preparation of this final report. The procedures used in this study followed those established in other projects in this quality assurance process.

We would like to thank the ABC for inviting us to participate in this very interesting and important work. We are accountable to the ABC through Mr Chadwick for the proper conduct of this project. We would be happy to discuss this report through him and by arrangement with him at any mutually convenient time.

DR DENIS MULLER Principal

July 2008

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II. Rationale, Objective and Guiding Principles

A. Rationale

The ABC aspires to the highest standards. The standard of its work is of particular importance because the national broadcaster, under statute, is required to:

- inform
- educate
- entertain and
- innovate,

and through those activities to reflect Australia to itself, the world to Australia, and Australia to the world.

In any healthy democracy, those who wield public power need to maintain legitimacy and build trust. Major media outlets wield public power. Legitimacy and trust depend in part on personal and institutional accountability. Although the ABC already has well-developed mechanisms of accountability, it is increasing its commitment.

The role of the ABC Director Editorial Policies includes the development of fair and rigorous methodologies to:

- verify that content is meeting the standards required by the ABC Act and Editorial Policies, and
- contribute to continuous improvement of standards.

This is the third quality assurance project. It tested a methodology for future use in assessing impartiality as it relates to News Content (Section 5, Editorial Policies 2007⁵).

B. Objective

The objective of the project was to test a method of assessing a sample of news content against the requirement for impartiality set out in paragraphs 5.2.1 and 5.2.2 (d) of the ABC's Editorial Policies 2007.

C. Guiding Principles

The approach taken in designing and carrying out this work is guided by six principles:

- 1 Respect for program-makers' independence
- 2 Professional accountability
- 3 Natural justice
- 4 An educative focus
- 5 Reasonableness
- 6 Transparency

The Principles are explained in full in the Methodology at Appendix I.

⁵ Impartiality of news and information is a statutory requirement: ABC Act, section 8(1)(c).

III. Design

This experimental project is designed to test whether:

- the definition of impartiality developed for this project is workable in practice; and
- whether the methodology used is sufficiently reliable, valid and generalisable to be used for future assessments.

The lack of a definition of impartiality as it relates to News Content is not unusual among the self-regulatory codes of the media in Australia and internationally. The literature, just like everyday conversation, routinely refers to media bias or lack of impartiality, but there is a dearth of material on what, precisely, impartiality consists of. Without a definition, without a reasoned list of the elements of impartiality, it is not reasonable to claim that a given piece of media content lacks it in sufficient measure.⁶

No comparable attempt to assess impartiality of news content has been found to exist.

Evaluations always raise issues of reliability, validity and generalisability:

- Would the evaluative process yield substantially the same results no matter how many times it was used on the same data (reliability)?
- Is the evaluative process measuring what it purports to measure (validity)?
- Are the findings applicable in other comparable settings (generalisability)?

The method for this study uses an interlocking series of approaches with a view to ensuring that the method has these qualities.

First, ABC coverage was assessed for the elements of impartiality summarised in the Methodology section below and set out in full in Appendix I. This assessment was based on interviews with those quoted in the coverage and on a comparison between what was broadcast and source documents.

Second, ABC coverage was peer-reviewed for news values.

Third, ABC coverage was compared with the coverage of two other news outlets.

A. Study design

Medium and topic

This study assessed the text-only element of ABC Television News coverage of the public debate about deepening the shipping channel in Port Phillip Bay, Melbourne, in the early months of 2008.

Confining the assessment to the text-only element of the television news coverage eliminated the semiotic complexities involved with soundtracks and visual images.

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⁶ The complexities are set out in detail in the Discussion Paper *The Elements of Impartiality* (September 2007, updated November 2007), http://abc.net.au/corp/pubs/documents/200806 reformatted elements of impartiality.pdf, the results of which have informed this paper.

It is possible that a future study of television in the Quality Assurance process will include soundtracks and visual images, but in this study it would have added a layer of complexity to a design which was already experimental.

B. Validity issues

In order to make as complete an assessment of impartiality as possible in the time available, it was thought desirable to base it on internal and external references. The internal reference is the definition of impartiality set out in the Methodology section below.

The external reference is more complex.

The reason for including an external reference is that research design ought to include some element that will allow an assessment to be made about the generalisability of the findings. In the context of journalism, generalisability refers not to impacts but to the nature of professional responses to the same set of issues and data. It is encapsulated in the guestion:

Would other journalists make similar judgments about these issues and data as the journalists whose work is under review, *all other things being equal?*

This will tell us something about the degree of professional consensus present in the choices made by ABC journalists, and is of particular relevance to questions of accuracy, fairness, balance, and news values.

For the purpose of creating external references, two comparators were used. They were the two main daily newspapers in Melbourne, *The Age* and the *Herald Sun*.

It is acknowledged straightaway that these are imperfect comparators because they:

- · were a different medium; and
- did not serve identical audiences to the ABC's.

So, from the outset, all other things were not equal. In this kind of project, they rarely will be.

However, it is the researchers' view that these imperfections did not render the comparators useless. Indeed it was considered that they would provide credible grounds for making findings about generalisability on the questions of accuracy, fairness and balance.

They were thought likely to be less useful in making judgments about news values. The reason was that the differences in audience, medium and format were likely to mean that different weight would be given to different news values by the different outlets. However, it was believed that the newspapers were better comparators for ABC News than were the commercial broadcasting news services.

IV. Methodology

A. Definitions

As noted above, Section 5 of the ABC's Editorial Policies, which deals with News and Current Affairs Content, does not contain a definition of the term "impartiality". It states:

5.2.1 All news and current affairs content will be accurate, impartial and objective, and thereby avoid bias . . .

5.2.2 (d) Be impartial. Editorial judgements are based on news values, not for example on political, commercial or sectional interests or personal views. Do not unduly favour one perspective over others.

Codes of ethics and professional practice in the field of journalism provide no generally accepted definition of impartiality. In the professional literature on this topic, impartiality is widely asserted as a quality that is required of news reporting, but no definition is provided.

We have identified seven elements⁷ which, taken together, we believe provide a valid and workable basis for assessing impartiality in news content:

Accuracy

Fairness

Balance

Context

No conflicts

No prejudgment

Decision-making based on news values

A central factor in decisions made about news content is the news value of the material. We should be clear that when we talk about "value" in relation to news, we are not talking about normative values like honesty or loyalty. Here, the word refers to those characteristics that make information "news" or events "newsworthy".

It is not necessary to review the literature on news values in order to state that there is a high degree of professional consensus about news values. For the purposes of this experiment, we have selected seven primary news values. They coincide to a large extent with the news values set out in the training materials of the ABC News Division, which are in turn drawn from the literature.

The primary News Values to be used are:

Magnitude

Sheer scale or impact, usually manifested by the number of people affected

Negativity

Conflict, shock value, controversy

⁷ The Elements of Impartiality, Discussion Paper (September 2007 updated November 2007), http://abc.net.au/corp/pubs/documents/200806 reformatted elements of impartiality.pdf. The seventh element – decision-making based on news values – has been added as a result of consultation.

Proximity

Geographic or cultural closeness to the audience

Timeliness

Recency; availability of information

Prominence

Status, power of the information source, or of the individuals or institutions involved in the event

Personification

Involvement of famous people, even when what happens to them is commonplace: for example, an ex-prime minister's home is burgled, a royal teenager behaves badly in public, a tennis star gets pregnant; conversely, when a non-famous person does extraordinary things – including bad things (infamy)

Unexpectedness

Man bites dog

An important factor here is that News Values operate on both an absolute and comparative level. They are absolute in the sense that a story needs to exhibit some or all of them to qualify as news in the first place, but they are comparative in the sense that another story may exhibit more of them or have them in greater measure.

It follows that on any given day, the same story may lead a bulletin or not make it into a bulletin at all, depending on what else is happening. For that reason, the assessment of News Values in this study will take into account what else was happening on the day.

On the element of Balance, it needs to be understood that this is not approached in a strict mathematical fashion. Perfectly equal coverage, as measured by time, does not necessarily result in balance and may lead to imbalance of a more substantive kind.⁸

B. The test

The test applied to the sample of news content was as follows:

Whether, in all the circumstances of the case, the elements of impartiality are present to a sufficient degree for a reasonable person to conclude that the impartiality requirement is met.

Assessing impartiality requires judgment. Bias in news content is not amenable to scientific proof. This methodology, like any other in such a field as journalism, will include subjective judgments about whether the elements of impartiality are present to a sufficient degree for the requirement of impartiality overall to be met.

Also, in particular circumstances, reasonable professionals can honestly disagree about the proper application of News Values to a given set of facts.

As was said in the methodology on Accuracy, the impossibility of human beings acquiring Olympian detachment on any matter needs to be acknowledged. Good-faith assessments based on established

For a discussion of one context in which the complexities of time counts and assessing balance arise, see ABC, 2007 Federal Election: Report of the Chairman, Election Coverage Review Committee, pages 3-7, http://www.abc.net.au/corp/pubs/documents/ABC Coverage of the 2007 Federal Election.pdf.

⁹ ABC Editorial Policies Division, *Accuracy: Final Report*, Quality Assurance Project 2, April 2008, http://www.abc.net.au/corp/pubs/documents/ga2 final report-april 2008.pdf.

professional standards, using so far as possible explicit criteria, is what can be aimed for in these quality assurance projects.

C. The assessment process

1. The sample

The sample consisted of the nine items on the channel-deepening story broadcast by the 7pm ABC TV News bulletins and *Stateline* between 5 February, when the Federal Minister for the Environment, Peter Garrett, gave approval for the dredging to go ahead, and 22 February, the day after the Federal Court, in an interim decision later confirmed, rejected a challenge to his decision by opponents of the dredging.

2. The reviewers

Four reviewers reviewed the coverage. None works for the ABC; each has extensive journalistic experience in television news or in print.

The assessment

As with all Quality Assurance projects on content, there were three stages to the assessment process.

Stage 1 consisted of the initial assessment by the reviewers and project manager.

Stage 2 consisted of the provision of preliminary findings to the relevant ABC Director for comment.

Stage 3 consisted of the preparation of a final report taking into account the outcomes from Stages 1 and 2.

4. Assessing the elements (other than News Values)

In Stage 1, the reviewers read the entire coverage in the three outlets within the time-frame given above and then, in respect of the ABC's coverage, interviewed the quoted sources and examined documents that were quoted or referred to or brought to the attention of the reviewer in the course of the interviews.

Where the program had interviewed multiple individuals from the same organisation or group – as with the Port of Melbourne Corporation and the Blue Wedges Coalition – each individual was interviewed as part of the review. Where an individual appeared in more than one item, they were interviewed in respect of each item in which they appeared.

In addition to the interview, any documentation on which an item was based was compared with the item as broadcast for Accuracy, Context and Fairness.

In the course of assessing the elements other than News Values, each person interviewed was asked a standard series of questions in respect of each story in the ABC's coverage in which they appeared.

The guestionnaire for these interviews is given at Appendix II.

The interviewees were asked specifically about each story in respect of five of the seven elements of impartiality contained in the definition above:

Accuracy
Fairness
Balance
No conflicts
No prejudgment

In respect of stories that received less than a fully positive assessment from the source, the reviewers asked for evidence to support the assessment.

The deficiency had to relate to one of the five elements listed above.

The element "Context" was judged by the reviewers and the project manager with reference to documentary material which contributed to the making of the item and, in one case, to an item's juxtaposition with another item in the same bulletin.

5. Assessing News Values

Preliminary assessment of news value was made by the reviewers on the basis of their professional judgment. In doing so, they identified the News Values present in each story in each medium and made a general assessment of whether, taking those News Values into account, the prominence given to the story by the ABC was reasonable, taking account of what else was being reported that day. In doing this, they also looked at the relative prominence given to the story by the two newspapers.

The reviewers' assessments were provided to the project manager for consideration, and for the preparation of a report.

Overall assessment

In arriving at their overall assessment of a story, therefore, the reviewers took into account:

- 1. What they were told by the sources interviewed.
- 2. What they saw themselves in documentary sources.
- 3. Their own professional judgment about the content of the item as finally broadcast, based upon the material in 1 and 2 above.
- 4. Their professional assessment of the news value of the item on the day.

V. Findings

Each of the nine items in the ABC TV News coverage of the channel-deepening story is assessed against each of the seven elements of impartiality listed in the methodology. In each case, a table sets out whether the item satisfied each element.

The findings in respect of four elements – Accuracy, Fairness, Balance, No Prejudgment – are derived from the interviews with the participants in that story. For brevity's sake, where a participant rated the item wholly accurate, very fair and very well-balanced, and stated that they discerned No Conflict and No Prejudgment, their response is presented as "found no fault".

The finding in respect of whether there existed any conflicts of interest (No Conflict) is derived from the interviews, source documents and the responses by staff when directly asked whether they were affected by any conflict of interest in relation to their work on the story.

The finding in respect of Context is derived from examination of any relevant source documents and, in one case, from observations about the juxtaposing of two items in one bulletin.

The finding in respect of News Values is derived from the reviewer's initial professional assessment, which was in turn reviewed by the project manager.

A note about News Values in a running story

In a story that runs for weeks as this one did, the News Values that animate it at the beginning tend to become embedded in it. That is, the issue retains those News Values as a kind of bedrock for editorial decision-making about subsequent items on the same story. Some of the subsequent items might not exhibit these News Values very strongly, but their presence remains nonetheless. This explains why journalists pay attention to developments or occurrences that might be considered trivial or less important were they not associated with the larger story.

Beyond that underlying association, editorial judgments about how to play each item will usually be determined by:

- what else was happening on the day;
- any other News Values peculiar to that item; and
- the significance of the item in the overall development of the story.

The "embedded news values" of this story are magnitude, negativity (most often in the senses of conflict and controversy), and proximity.

A definitional matter

In this report, "story" means the issue, that is, the whole question of channel-deepening and associated court cases, arguments, rallies and so on. "Item" means an individual account of an occurrence or development, such as a single report within a bulletin.

A note about conflicts of interest

Detecting the operation of a conflict of interest in a news story usually involves knowledge of facts extraneous to the broadcast or published item. In the draft report, we used the term "on the face of it, yes" where neither the documentation nor our reviewers' interviews with participants indicated that the

ABC staff responsible for the items had any conflicts. We then requested the News Division to inquire of these staff directly whether they had any conflicts in relation to these items at the time they were made and broadcast, and to confirm as appropriate in its formal response to the draft.

News Division reported that the staff involved did confirm to the News Editor, Victoria, that they had no conflicts of interest in covering the channel-deepening story.

Taking into account those declarations and the absence of any evidence to the contrary, it is found that no conflict of interest on the part of the journalists existed in respect of any item dealing with this story.

A. The items in detail

1. Item 1: 5 February 2008: Federal Government green light to dredging; opponents seek injunction

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?						
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Two participants were interviewed over this item. Two others were approached several times but ultimately could not be interviewed for want of availability.

One found no fault with the item. The other said the item lacked Balance because it contained more prodredging than anti-dredging views.

We do not believe this criticism has merit. Balance is not about numerical equilibrium. ¹⁰ It needs to be remembered that this is only one item in the unfolding news story about channel-deepening. Because the main point of that day's story was the federal Minister's decision, it naturally follows that the bulk of the material is about him and the authorities most affected by his decision. In the context of this specific item, a relatively minor reference to the anti-dredging position appropriately reflects the events of the day.

It follows that this item is found to exhibit these five elements in sufficient degree.

b. Context

An examination of documents relevant to this item showed that this element too was present in sufficient degree.

c. News Values

This was the third story in the bulletin. The prominence given to it appropriately reflected its News Value on the day. It was preceded by two stories of very high national and international significance on interest

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¹⁰ This issue is addressed in the Methodology, Appendix I, at page 31.

rates and the credit crisis. The item's own strength derived from its possessing the News Values of magnitude, prominence, timeliness, proximity and negativity (in the sense that the matter was controversial).

The Age gave the story substantially greater prominence than did the ABC but also gave greater emphasis to negativity in a much wider sense, highlighting what it said would be the disastrous environmental consequences of the dredging.

The Herald Sun ran with approximately the same prominence as the ABC (down-page on Page 3).

All outlets led with the same fact: the Minister, Peter Garrett, had said the dredging could go ahead. However, *The Age* ran a second story focusing on fears expressed by opponents of the dredging about possibly detrimental effects on beaches.

Taken together, all these factors indicate that the ABC's decision-making in respect of this item was properly based on News Values and not on any irrelevant considerations.

In summary, this item satisfied all seven elements of the test for impartiality.

2. Item 2: 5 February 2008: Protests at State Parliament

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?							
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values	
Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Two participants were interviewed about this item. Neither found fault with the item. A third was approached but was unavailable.

b. Context

The contextual issue here was that this item was run immediately after the item described above (Item 1). The protest at Parliament was over two environmental issues, one of them the dredging. In the words of one reviewer, who has television news experience, this provided a "natural segue" from the previous item. Moreover, by running the two stories one after the other, the ABC was making clear to its audience the connection between the two.

c. News Values

While this story on its own did not warrant fourth position in the bulletin, its position was justified by its connection with the main dredging story -- the placement of which was fully justified – and by the strength of the visual images, which count for more in television than in radio or print media.

Taken together, all these factors indicate that the decision-making in respect of this item was properly based on News Values and not on any irrelevant considerations.

In summary, this item satisfied all seven elements of the test for impartiality.

3. Item 3: 6 February 2008: Port of Melbourne to start dredging as planned – strict conditions

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?						
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Two participants were interviewed about this item.

One found no fault with the item. The other rated the item "quite fair" and "quite well balanced", saying it had been "bland" and left out some "controversial" views, but otherwise found no fault with it.

Whatever the merits of this assessment of the item's content, they are not germane to the issue of impartiality.

This item is found to have met these five elements of the impartiality test.

b. Context

An examination of relevant documentation revealed no failure of contextual presentation.

c. News Values

This item ran fourth in the bulletin. The embedded news values behind this decision have already been described. It is these that give sustenance to the dredging issue as an item of news, and those embedded values provide a proper professional basis for making judgments about new developments in the story as they occur.

In this case, mediation conducted under the auspices of the Federal Court had resulted in an agreement that dredging would start within 48 hours, not at the northern end where it had been intended, but at the southern end, because of a continuing argument over the possible toxicity of dredged material at the northern end.

This was a significant development, and brought into play the News Values of significance and timeliness on top of the embedded news values. These amply justified placing the item fourth in the bulletin behind such stories as interest rates and the US presidential primaries.

The *Herald Sun* gave the story approximately equivalent prominence (Page 5 lead with extensive pictorial and headline display) and, like the ABC, led with the fact that the agreement would allow dredging to start.

The Age played it differently. It ran a down-page Page 1 story suggesting the exact opposite: "No start today as judge bars Yarra mouth work". This was not inaccurate, but it did give priority to an essentially secondary and more negative aspect of the story. It was secondary because it was merely one part of

the overall agreement that allowed work to start, and the main issue at stake had all along been whether dredging would or would not be allowed to proceed. That was the central issue of the court proceedings.

Taken together, all these factors indicate that the ABC's decision-making in respect of this item was properly based on News Values.

In summary, this item satisfied all seven elements of the test for impartiality.

4. Item 4: 8 February 2008: Protesters tried to prevent the start of dredging this morning

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?							
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values	
Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Three participants were interviewed about this item. Two found no fault with the item. The third rated it "substantially accurate" and when asked why, replied:

The reporter reported what was actually said accurately, but the trouble was that what was said was not really accurate. . .

This turned on what had passed between the police and the protesters in advance about how the protesters intended to conduct the protest.

There was a further question about the sequence in which claims and counter-claims involving the police and the protesters were made to the ABC and the extent to which both sides had treated fairly.

This question concerned Fairness, and was put to the News Division in the draft report. News Division replied that the reporter responsible had conducted the interviews as the opportunities had presented themselves and had not been in a position to put to the first interviewee issues raised by the second interviewee.

In deciding questions like this, a test of reasonableness should be applied: what is it reasonable to expect of a reporter in the circumstances? In our view, the relevant considerations in deciding this test include:

- Were both sides were given an opportunity to put their side of the story?
- Was the opportunity sufficient when set against the gravity or otherwise of the allegations made?
- What time was available to gather the material?
- How much air time or space was likely to be given to this material?

We find that taking into account these factors and the concession by one interviewee that the order of interviews may have been as News reports them in its response, the item was fair and balanced.

In this context of the reporting of a television news item for that evening's bulletin, we accept that the sequence in which the reporter conducted interviews cannot be reversed or readily repeated. But we also note that there are likely to be occasions on which a claim by one interviewee that reflects adversely on a prior interviewee will need to be put to the prior interviewee for response if the Fairness and Balance requirements are to be satisfied in the circumstances.

b. Context

There were no contextual lapses in relation to this item.

c. News Values

This item led the bulletin. Negativity (in the form of confrontation between protesters and police, and in the shock value arising from the risks run by the protesters), as well as the other embedded news values, the timeliness of the events and the quality of the visuals combined to make this a strong story, reflected also in the way it was treated by the two newspapers.

The Age carried a picture-graphic featuring the demonstration and the dredge at work, trailing a plume of churned water, which took up about half the news hole on Page 1. The newspaper also gave over Page 2 to more stories and pictures.

The *Herald Sun* carried a large double-page spread on Pages 4 and 5, consisting of a series of pictures and two substantial news stories.

The decisions made by the ABC journalists accorded with those made by journalists on the newspapers.

In summary, this item met the requirements of the impartiality test.

5. Item 5: 15 February 2008: Port of Melbourne's first report on the effects of dredging

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?						
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Attempts were made to interview four participants in this item. One declined but said through a spokesman that there were "no problems with any of the ABC stories". Three other participants were interviewed.

One found no fault with the item.

The second participant said the item was "substantially accurate", "quite fair" and "quite well-balanced". Asked why, this participant acknowledged a misunderstanding about the focus of the story which had turned out to be about the dredging plume and not about toxins, which this participant had expected to

see included. In general, this participant had expected to see more material broadcast: "A lot was cut out".

Compression and editing, on their own, cannot amount to failure to be impartial. Specific evidence of what was left out and how this affected Accuracy, Fairness, Context or Balance is required, and no such evidence was offered. Instead, this participant's criticism was about the breadth of the item. The participant did not state or imply that the omissions caused distortion. Moreover, there was no evidence that this participant considered the reporter or the ABC to have acted on the basis of prejudgment.

A third participant rated the item similarly and when asked why, criticised the content of the item as "bland". This does not affect impartiality.

We find that the item meets these elements of the impartiality test.

b. Context

An examination of relevant documentation showed there were no contextual lapses in relation to this item.

c. News Values

This item ran eighth in the bulletin. It reported that no evidence had been found of long-term harm to Port Phillip Bay from the dredging. The embedded news values sustained this story, augmented by the timeliness of the report of the results and the significance of the information it contained.

The Herald Sun published the story in an approximately equivalent position (Pages 8 and 11).

The Age did not run this story at all. In the week leading up to this item, however, *The Age* had run three stories against the dredging, one about a protest rally, one about businesses affected by the dredging not receiving compensation, and one anticipating the results of testing.

In respect of the ABC's coverage, we find that this item met the test of impartiality.

6. Item 6: 20 February 2008: Opponents of dredging take case to the streets and the courts

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?						
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Three participants were interviewed about this item.

Two found no fault with the item.

The third rated the item as "substantially accurate", "quite fair" and "quite well-balanced". Asked why, this respondent stated that the Port of Melbourne Corporation had mischaracterised the respondent's organisation as anti-dredging, and that the Corporation should have been challenged by the ABC reporter on this.

From a reading of the transcript, it is difficult to see what it was that aroused this concern. The Port of Melbourne Corporation does not say anything about the respondent's organisation being anti-dredging. A person from the Corporation is quoted only on the issue of the contribution made by the port to traffic.

We find that the item meets these elements of the impartiality test.

b. Context

There were no contextual lapses in relation to this item.

c. News Values

This was the eighth item in the bulletin. As the reviewers noted, it was a day of strong national and international news, including the Federal Government's concerns over a new jet fighter contract, the Pakistan election, the resignation of Fidel Castro, and an important win for Barack Obama in the US presidential primaries.

The Age gave the story far greater prominence, emphasising many anti-dredging aspects, including rallies and a Federal Court report.

The *Herald Sun* gave it approximately equivalent prominence as did the ABC (two brief items on pages 8 and 13).

This story plainly exhibited the important News Value of negativity and engendered reasonable footage for television. However, it was essentially a sideshow to the main dredging story and its position of eighth in the bulletin was reasonable. As one reviewer noted, the story that followed it could just as easily have preceded it without violating News Values.

We find that on the ABC this item did meet the test of impartiality.

7. Item 7: 21 February 2008: Federal Court gives Port of Melbourne green light to begin dredging

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?							
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values	
Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Two participants were interviewed about this item.

One found no fault with the item. The other rated it "quite fair" and "quite well-balanced". Asked why, this respondent made criticisms of content, asserting it to be "bland" and omitting matters of factual importance concerning the relative toxicity of material that might be dredged up, comparing it with the proposed Nowingi toxic waste dump.

News Division was asked by the manager of this quality assurance project to respond to the question whether any evidence to support this assertion had been made available to the reporter and, if so, what it yielded.

News Division responded:

The reporter has confirmed that [the respondent] did not raise with her any comparison between the toxicity of the proposed Nowingi dump and what would occur in the Bay. News believes that [the respondent] made this comment only to the reviewers long after the report went to air.

Nothing adverse about the respondent should be read into these details. We understand the respondent to have been making, in good faith, a general comment in hindsight about the coverage as a whole. In this person's view, it lacked reference to a matter of scale that considered by the respondent to be important. We do not read the respondent's comment as relating to a specific conversation. The reporter's recollection, and the respondent's rating for this particular item as "quite fair" and "quite well-balanced" strengthen this conclusion. Accordingly we find that this item met these five elements of the impartiality test.

b. Context

There were no contextual lapses in relation to this item.

c. News Values

This ran as the third item in the bulletin. The Federal Court's decision was a landmark event in this long-running story, and the embedded news values which had grounded the story for so long were augmented this day by the significance of the decision, its timeliness, and its potential to generate further negativity in the form of conflict and controversy.

This story clearly earned its place high in the bulletin, for all those reasons.

The Age gave it equivalent prominence (down-page on Page 1), while the *Herald Sun* gave it far less prominence (Page 11).

Taking all these factors into account, we can find no evidence to suggest the placement of the story was not properly based on News Values.

In summary, this item met all the requirements of the impartiality test.

8. Item 8: 22 February 2008: Dredging supporters hail court decision allowing work to begin

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?							
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values	
No	Yes	Yes	Yes	Yes	Yes	Yes	

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Six participants were interviewed about this item.

Two found no fault with the item.

Two others said that the item contained a material inaccuracy by stating: "The Port will begin dredging toxic sediment at the mouth of the Yarra River next weekend". Both stated in separate interviews that the work at the Yarra mouth would consist of dredging up clay for the purpose of building "bunds" where toxic sediment would later be stored. There would be no dredging of toxic sediment at this time.

A fifth participant rated it "quite fair" and "quite balanced". This participant also expressed the view that the ABC had a conflict of interest in reporting the story in the sense that it had interests to serve other than those inherent in being a news medium, and that the ABC television news service did not approach the story with an open mind.

Asked about Fairness, this participant said: "They had both sides to it, so it looks fair, but I'd question . . . whether in this case it was really justified going to the opposition to get a response."

Asked about Balance, this participant said: "I'm not sure it really needed balance from a minority opinion when the majority was quite clear. I'm not sure that really is balance."

Asked about conflict of interest, this participant said: "The ABC is a news service and news services like to create conflict. Bringing out a minority point of view was a way of creating a suggestion of potential conflict."

Asked about the basis for saying the ABC had failed to bring an open mind to the matter, this participant said: "There are plenty of times when the ABC doesn't seek out the other side, but in this case whenever anything happened on dredging they seemed to be able to find [an opponent] to give a response."

While the sixth respondent rated the story "substantially accurate", the respondent also rated it "very unfair" and "not at all well-balanced". This person too said that the ABC television news service did not approach the matter with an open mind. Asked why, the respondent stated in relation to Accuracy, Fairness and Balance: "There were about five opinions from pro-dredging and one tiny little opinion from the anti-dredging side. Five to one is pretty unfair, isn't it?"

In relation to open-mindedness, this respondent said: "I don't think they are identifying the nub of the story: five agencies banging on about 'business as usual'. It would have been more appropriate and interesting to ask why 'business as usual' is okay in the context of community concern for environment and global warming."

We do not find that these criticisms by the fifth and sixth respondents have merit in relation to impartiality. Indeed some of the fifth respondent's statements run counter to the principles underlying impartiality: for example, questioning whether seeking a response from the other side was justifiable. The fifth respondent also appears to have conflated two distinct meanings of the word "conflict", leading him to discuss "conflict" as a News Value – that is, "conflict" as a synonym for "clashes" – instead of "conflict of interest" as an ethical issue.

In passing, we also note that there is much to be learned from the way the fifth and sixth respondents talk about some of the key words used in journalism and in media accountability projects like this one. Sometimes they use interchangeably words that have separate and precise meanings for journalists and reviewers like us. And sometimes they naturally show lack of awareness of the jargon journalists use. This is not unexpected. It happens when examining closely the work of any professional group. But in our view, it points to the need for the media to be more transparent. Even among journalists, the term "News Values" is rarely articulated with any precision. So it is not surprising that News Values, which affect routinely the decisions that shape media coverage, are not widely understood in the community that receives that coverage.

We do not intend to judge the motives of these interviewees or the merits of their views on the substantive issue of the channel-deepening. Perhaps what their comments help to illustrate is the difficulty of anyone assessing impartiality with any precision, given that no one comes to any controversy with an entirely open mind. The comments of those directly involved in a controversy illuminate this fact of life starkly.

The statements about Accuracy by two other respondents raised concerns about whether this item met the Accuracy element of the impartiality test. The issue of toxicity was central in the channel-deepening story, so a possible material inaccuracy about that was not a trivial matter. A request was made to News Division for a response on this matter and the Division stated that the reporter acknowledged having made the error.

Because the inaccuracy concerned one of the main issues in the channel-deepening story, and conveyed to the audience a wrong impression of what work had been agreed to, it is considered to be a material inaccuracy.¹¹

b. Context

There were no contextual lapses in relation to this item.

c. News Values

This item ran eleventh in the bulletin. It was, in effect, a follow-up, so lacked the timeliness and other qualities of a fresh development. No equivalent story was run in either newspaper. It was also a strong news day: disorderly scenes during the first Friday sitting of Federal Parliament; a worsening corruption scandal engulfing the NSW Government; developments in a terrorism trial in Melbourne; and a considerable list of major foreign stories.

The placement of this item clearly reflected its relative News Value on the day.

This holds true even though, had the inaccurate information been correct, the item would have been more important. We infer that a combination of factors resulted in the item's receiving its due treatment:

1. It is accepted that the reporter's error was inadvertent. Thus the significance, from a News Values perspective, of what had been stated in the item did not impinge upon the reporter's mind. As a result, any briefing by the reporter to editorial decision-makers was unlikely to have included

¹¹ For an explanation of degrees of accuracy/inaccuracy, see *Accuracy: Final Report*, Quality Assurance Project 2, April 2008, pages 10-11, http://www.abc.net.au/corp/pubs/documents/ga2 final report-april 2008.pdf.

a statement that the story was of any particular importance beyond that which had been anticipated.

2. Editorial decision-makers were not in court and cannot be expected to be conversant with story detail at this level. Without prompting as to the possibility of error or unexpected significance, they are entitled to rely upon their reporters' briefings when assessing News Value. Indeed, news editing is impossible otherwise, since it would require re-reporting or cross-examining reporters in circumstances where there was no evident need or justification for doing so.

In summary, this item did not meet the Accuracy element of the impartiality test but did meet all the other elements. Overall, it is found to have met the impartiality test as a whole, the inaccuracy itself and the circumstances in which it occurred containing no suggestion that it arose from anything other than inadvertence.

9. Item 9: 8 February 2008: Stateline item on the channel-deepening issue

ELEMENTS OF IMPARTIALITY PRESENT IN SUFFICIENT DEGREE?							
Accuracy	Fairness	Balance	Context	No conflict	No prejudgment	Placement based on news values	
Yes	Yes	Yes	Yes	Yes	Yes	Yes	

Basis of assessment

a. Accuracy, Fairness, Balance, No Conflict, No Prejudgment

Four participants were interviewed about this item. A fourth was approached but was unavailable.

Two found no fault with the item.

The third participant's only demur was that the item was "quite fair". Asked why, this participant said that the item had made it look as if there was confusion between the EPA and the Port of Melbourne Corporation over the number of monitoring programs in place to keep track of the effects of the dredging: 9 or 13. This participant said this was not a "big issue", and acknowledged that the confusion over the numbers had arisen because of a lack of a "common language" between the EPA and the Port of Melbourne Corporation about the components of the monitoring program.

The fourth respondent said the item was "substantially accurate", "quite fair", and "quite well-balanced". Asked why, this respondent took issue with the presenter's statement, "Despite the obvious economic advantages". The respondent said that this "just recites the promotional material the Port of Melbourne gives them". This respondent also took issue with the inclusion of Steve Bracks, the former Premier: "Even wheeling out bloody Steve Bracks to mouth the Port of Melbourne's promotional material."

Looking at the transcript, it is clear that the statement "obvious economic advantages" is made by the presenter in the context of Mr Bracks' statement about jobs and investment in Victoria. The fourth respondent contested the accuracy of the Bracks statement but did not provide evidence of inaccuracy.

The statement by the presenter belongs in the twilight zone between analysis and comment. In the context of the *Stateline* program, which is in a current affairs format and attempts to provide a deeper understanding of the issues, the statement does not, in our view, constitute lack of impartiality. Nor does the inclusion in the item of the former Premier, under whose auspices the original channel-deepening decision was taken.

The excerpt that *Stateline* used from the Port of Melbourne promotional DVD states no more than a matter of fact: "The Port of Melbourne has been an integral part of the Victorian economy and of the lives of Victorians for more than 150 years."

The *Stateline* item presented a comprehensive account of the story to that date, and gave considerable exposure to the various voices in what seems to us a carefully balanced and fair-minded way.

We find that the fourth respondent's criticisms do not have merit as regards the impartiality of the ABC coverage, whatever may be the merit of contending views about the channel-deepening. We find that this item did meet these elements of the impartiality test.

b. Context

There were no contextual lapses in relation to this item.

c. News Values

This was the second of four items on *Stateline* that evening. The first concerned a report by the Office of Police Integrity (OPI). At the time there was a major inquiry by the OPI into the conduct of senior police officers and the secretary of the police union. It was part of a long-running series of events going to the core of Victoria's criminal investigation and justice system. The placement of the dredging item second in the program seems to us a professional exercising of news judgment.

We find that the item meets all of the elements of the impartiality test.

VI. Conclusions

A. Content

ABC TV News coverage of the issue of channel-deepening in Port Phillip Bay during the period of this review met the test of impartiality developed for this review.

B. The concept of impartiality

On the basis of this experimental study into the impartiality of news content, we conclude that it is essential that Section 5 of the Editorial Policies defines with as much precision as possible what is meant by the term "impartiality".

To the maximum extent possible, the elements of impartiality have to be amenable to the collection and assessment of evidence that does not itself consist only of the views of the participants in any given controversy. We say this because it is evident from some of the interviews that it is not uncommon for people who become participants in controversies to develop strong opinions about impartiality that derive from their position in the controversy itself.

The ABC needs to refine and apply a clear definition of what constitutes impartiality for the purpose of judging News Content. In the absence of a clear definition, everyone is susceptible to imposing their own understanding of the concept onto every matter. This conclusion has implications for the way the ABC's various complaints handlers make and explain their decisions in cases that raise impartiality issues. In this field, the ability to point to clear standards consistently applied is important to maintaining confidence in media self-regulation and to treating justly complainants and the professionals whose work is complained about.

One participant interviewed for this project, who found no fault with the ABC's coverage in the review period, did voice a criticism of an ABC TV item that fell outside the review period. His objection was to the musical soundtrack used in the item, which he said created a sense of cynicism about the matter being reported. We accept that this was his perception of the particular item. We make no finding; as stated in the Methodology, factors such as soundtrack are not part of this study. However, the comment demonstrates both the complexity of making judgments about impartiality and the necessity to develop a process by which a more comprehensive approach to assessing it can be undertaken. This holds particularly for media items that use sound, vision and text, and that is the converged online media environment of the future.

C. Impartiality and news reporting

Two newspapers, *The Age* and the *Herald Sun*, were included as external references, or comparators, for reasons explained in the Methodology.

It will be apparent that the channel-deepening issue was a major controversy in Victoria. *The Age* coverage was at times criticised as lacking appropriate fairness and objectivity. We nevertheless decided to continue to use *The Age* coverage as a comparator. We persevered partly because of necessity, and partly because *The Age* audience was thought to overlap with the ABC TV News audience. But partly also because the controversy about *The Age* coverage provided an opportunity to see if this methodology would suggest a lack of impartiality in news coverage when, assuming that the criticism of *The Age* news coverage was well-based, it was there to be found.

We believe the methodology did work in this respect. We do not purport to make any finding about *The Age* or the *Herald Sun*. It is not for the ABC's editorial quality assurance processes formally to review *The Age* or *Herald Sun*.

D. Overall conclusion

On the basis of the findings, we conclude that the elements of impartiality were present to a sufficient degree in the ABC TV News content sample and that the coverage of the channel-deepening did meet the requirements of sections 5.2.1 and 5.2.2(d) of the Editorial Policies.

The experimental methodology can and will be refined, but overall we believe it worked sufficiently well to justify re-use in similar form.

Appendix I: Methodology

Quality Assurance Project 3 Impartiality (News Content) – Description and Method June 2008

I. Introduction

The ABC aspires to the highest standards. The standard of its work is of particular importance because the national broadcaster, under statute, is required to:

- inform
- educate
- entertain and
- innovate,

and through those activities to reflect Australia to itself, the world to Australia, and Australia to the world.

In any healthy democracy, those who wield public power need to maintain legitimacy and build trust. Major media outlets wield public power. Legitimacy and trust depend in part on personal and institutional accountability. Although the ABC already has well-developed mechanisms of accountability, it is increasing its commitment.

The role of the ABC Director Editorial Policies includes the development of fair and rigorous methodologies to:

- verify that content is meeting the standards required by the ABC Act and Editorial Policies, and
- contribute to continuous improvement of standards.

This is the third quality assurance project. It will test a methodology for future use in assessing impartiality as it relates to News Content (Section 5, Editorial Policies 2007).

The project has been designed in conjunction with a qualified independent consultant, Dr Denis Muller, who is also an experienced journalist. Dr Muller will manage the project and provide a report to the Director Editorial Policies on an experimental application of the methodology to a sample of ABC TV News content.

This is the first time this methodology has been used. If the methodology proves adequate, the definitions used in the methodology will be communicated to ABC staff and in future the methodology will be used periodically to undertake other quality assurance projects into the impartiality of ABC News content.

II. Objective

The objective of the project is to test a method of assessing a sample of news content against the requirement for impartiality set out in paragraphs 5.2.1 and 5.2.2 (d) of the ABC's Editorial Policies 2007.

¹² The role of the Director Editorial Policies is more fully described in the 2007 ABC Annual Report, pages 107-08.

III. Guiding principles

The approach taken in designing and carrying out this work is guided by six principles.

A. Principle 1 – Respect for program-makers' independence

Consistent with section 8 of the *ABC Act*, section 2 of the ABC's Editorial Policies gives independence the status of a key value in the ABC, along with honesty, fairness and respect. These values are applicable generally across the organisation.

Section 27 (1) of the *ABC Act* requires the Corporation to "develop and maintain an independent service for the broadcasting of news and information."

Accordingly, makers of News Content (Ed Pols section 5) are expected to exhibit independence.

Of particular relevance to the ABC is its independence from the government of the day. Independence contributes to the ability of the ABC to widen the diversity of media content in a country in which the ownership and control of the commercial media is highly concentrated. This concentration results in part from geographic and demographic factors that limit the role that market forces might otherwise play in media diversity.

The first guiding principle of this quality assurance project is that those conducting it recognise and respect the independence of ABC program-makers.

Everything done in this quality assurance project is directed at maintaining that independence, not weakening it.

B. Principle 2 – Professional accountability

Those privileged to have access to the broadcasting and publishing opportunities created by ABC networks and platforms should be accountable for the way they exercise their power and meet the responsibilities that come with that privilege. This relation between power and responsibility is especially applicable in the field of news and current affairs, a category of content which has long been perceived to have significant effects.

C. Principle 3 – Natural justice

The quality-assurance process must adhere to the requirements of natural justice. This project is an experiment that uses a definition of impartiality that has not been formally notified to ABC staff. Accordingly, no adverse findings will be conclusively made about the sample of ABC TV News content used for the purposes of this experiment.

Prior to finalisation of the report of this project, the Director News will have a fair opportunity to respond to the draft report on behalf of the program team or teams involved in the making of the sample content. That response will then be taken into account and fairly reflected in the final report.

D. Principle 4 – An educative focus

The quality assurance projects of the Director Editorial Policies are an educative and developmental accountability process, not a censorious or punitive one. Individual staff members' identities will not be used in association with the results. The purpose is not to single out individuals for criticism or praise.

The general purpose is to provide the basis for training, professional development and continuous improvement in quality across a program team, a Division and, where relevant, across the whole ABC.

E. Principle 5 – Reasonableness

Data will be assessed in light of what was reasonable to achieve in the circumstances, particularly by reference to the time pressures or other practical pressures under which the material was gathered, produced and broadcast.

F. Principle 6 – Transparency

The design and operation of the process will be transparent and made available to the relevant Director in advance of implementation, with a recommendation that relevant staff be kept informed.

IV. Nature of the project

This experimental project is designed to test whether:

- the definition of impartiality developed for this project is workable in practice, and
- whether the methodology used is sufficiently reliable, valid and generalisable to be used for future assessments.

The lack of a definition of impartiality as it relates to news content is not unusual among the self-regulatory codes of the media in Australia and internationally. The literature, just like everyday conversation, routinely refers to media bias or lack of impartiality, but there is a dearth of material on what, precisely, impartiality consists of. Without a definition, without a reasoned list of the elements of impartiality, it is not reasonable to claim that a given piece of media content lacks it in sufficient measure. ¹³

No comparable attempt to assess impartiality of news content has been found to exist.

Evaluations always raise issues of reliability, validity and generalisability:

- Would the evaluative process yield substantially the same results no matter how many times it was used on the same data (reliability)?
- Is the evaluative process measuring what it purports to measure (validity)?
- Are the findings applicable in other comparable settings (generalisability)?

The method for this study uses an interlocking series of approaches with a view to ensuring that the method has these qualities.

First, ABC coverage will be assessed for the elements of impartiality given in the Methodology section below. This assessment will be based on interviews with those quoted in the coverage and on a comparison between what was broadcast and source documents.

Second, ABC coverage will be peer-reviewed for news values.

Third, ABC coverage will be compared with the coverage of two other news outlets.

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¹³ The complexities are set out in detail in the Discussion Paper *The Elements of Impartiality* (September 2007 and updated November 2007), http://abc.net.au/corp/pubs/documents/200806 reformatted elements of impartiality.pdf, the results of which have informed this paper.

Dissemination of the report is at the discretion of the Managing Director. It is recommended that any public report of this project include a clear statement of its experimental method and of the conclusions reached about the robustness of the method.

A. Study design

1. Medium and topic

This study will assess the text-only element of ABC Television News coverage of the public debate about deepening the shipping channel in Port Phillip Bay, Melbourne, in the early months of 2008.

The reasons for this choice are:

- Radio News and Current Affairs has already been subject to a Quality Assurance project (Accuracy);
- television remains the most high-impact news medium, so its performance is a matter of substantial public interest;
- a local story would be simpler and more cost-effective to assess than a national or international one;
- it needs to be a story of substance to provide sufficient data on which to base an assessment;
- it needs to be a story on a matter of public contention and debate in order to contain ingredients that could put impartiality in issue, and
- confining the assessment to the text-only element of the television news coverage eliminates the semiotic complexities involved with visual images.

It is possible that a future study of television in the Quality Assurance process will include visual images, but in this study it would have added a layer of complexity to a design which was already experimental.

The researchers are of the view that design over-reach is always hazardous, more so when the subject of the research is already conceptually complex and the method untried.

2. Validity issues

In order to make as complete an assessment of impartiality as is possible in the time available, it was thought desirable to base it on internal and external references. The internal reference is the definition of impartiality set out in the Methodology section below.

The external reference is more complex.

The reason for including an external reference is that research design ought to include some element that will allow an assessment to be made about the generalisability of the findings.

Most commonly, this refers to the generalisability of impacts of things like medical interventions and government programs.

Here, in the context of journalism, generalisability refers not to impacts but to the nature of professional responses to the same set of issues and data. It is encapsulated in the question:

Would other journalists make similar judgments about these issues and data as the journalists whose work is under review. *all other things being equal?*

This will tell us something about the degree of professional consensus present in the choices made by ABC journalists, and is of particular relevance to questions of Accuracy, Fairness, Balance, and News Values.

For the purpose of creating external references, two comparators will be used. They are the two main daily newspapers in Melbourne, *The Age* and the *Herald Sun*.

It is acknowledged straightaway that these are imperfect comparators because they:

- are a different medium, and
- do not serve identical audiences to the ABC's.

So, from the outset, all other things are not equal. In this kind of project, they rarely will be.

However, it is the researchers' view that these imperfections do not render the comparators useless. Indeed it is considered that they will provide credible grounds for making findings about generalisability on the questions of Accuracy, Fairness and Balance.

They are likely to be less useful in making judgments about news values. The reason is that the differences in audience, medium and format are likely to mean that different weight will be given to different news values by the different outlets. However, it is believed that the newspapers are better comparators for ABC News than would be the commercial broadcasting news services.

On balance it is considered that the inclusion of the external comparators strengthens the research design, on condition that caution is exercised in any conclusions drawn from the comparison, especially where news values are concerned.

V. Methodology

A. Definitions

As noted above, Section 5 of the ABC's Editorial Policies, which deals with News and Current Affairs Content, does not contain a definition of the term "impartiality". It states:

5.2.1 All news and current affairs content will be accurate, impartial and objective, and thereby avoid bias . . .

. .

5.2.2 (d) Be impartial. Editorial judgements are based on news values, not for example on political, commercial or sectional interests or personal views. Do not unduly favour one perspective over others.

Codes of ethics and professional practice in the field of journalism provide no generally accepted definition of impartiality. In the professional literature on this topic, impartiality is widely asserted as a quality that is required of news reporting, but no definition is provided.

Some scholars in the field have tried hard to create a definition ¹⁴. In doing so, they have attempted to analyse the term by identifying its constituent elements and discussing the values that should drive decision-making in journalism.

We have identified seven elements¹⁵ which, taken together, we believe provide a valid and workable basis for assessing impartiality in news content:

Accuracy

Fairness

Balance

Context

No conflicts

No prejudgment

Decision-making based on news values

A central factor in decisions made about news content is the news value of the material. We should be clear that when we talk about "value" in relation to news, we are not talking about normative values like honesty or loyalty. Here, the word refers to those characteristics that make information "news" or events "newsworthy".

It is not necessary to review the literature on news values in order to state that there is a high degree of professional consensus about news values. For the purposes of this experiment, we have selected seven primary news values. They coincide to a large extent with the news values set out in the training materials of the ABC News Division, which are in turn drawn from the literature.

The primary News Values to be used are:

Magnitude

Sheer scale or impact, usually manifested by the number of people affected

Negativity

Conflict, shock value, controversy

Proximity

Geographic or cultural closeness to the audience

Timeliness

Recency: availability of information

Prominence

Status, power of the information source, or of the individuals or institutions involved in the event

Personification

Involvement of famous people, even when what happens to them is commonplace. For example: an ex-prime minister's home is burgled, a royal teenager behaves badly in public, a tennis star gets pregnant. Among the non-famous, burgled homes, rowdy teenagers and pregnancies are not by themselves newsworthy. Conversely, it can be newsworthy when a non-famous person does extraordinary things - even bad things (infamy)

Unexpectedness

Man bites dog

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See, for example, Westerstahl, J. (1983) 'Objective News Reporting', Communication Research, 10, 3: 403-24; McQuail, D. (1994) Mass Communication Theory 3rd ed. Sage, London, pp146-47, 254-255.
 The Elements of Impartiality, Discussion Paper, (September 2007, updated November 2007),

http://abc.net.au/corp/pubs/documents/200806 reformatted elements of impartiality.pdf. The seventh element – decision-making based on news values – has been added as a result of the consultation.

An important factor here is that News Values operate on both an absolute and comparative level. They are absolute in the sense that a story needs to exhibit some or all of them to qualify as news in the first place, but they are comparative in the sense that another story may exhibit more of them or have them in greater measure.

It follows that on any given day, the same story may lead a bulletin or not make it into a bulletin at all, depending on what else is happening. For that reason, the assessment of News Values in this study will take into account what else was happening on the day.

The importance of including Decision-Making Based on News Values in the elements of impartiality is two-fold. First, decisions about what to include and what to omit, when based on News Values, may appear to those not conversant with News Values to be decisions that indicate lack of impartiality.

Second, if those who make decisions about news coverage do not appear to have applied News Values, then this may be an indicator of lack of impartiality. A good example is when a news outlet that is owned by a corporation with diverse commercial interests gives heavy prominence to a product of one of its sibling companies, without any apparent link to News Values, or it gives prominent adverse coverage to a rival of its parent without any apparent link to News Values.

On the element of Balance, it needs to be understood that this is not approached in a strict mathematical fashion. Perfectly equal coverage, as measured by time, does not necessarily result in balance and may lead to imbalance of a more substantive kind ¹⁶. As Professor Tony Coady said in a recent paper on Objectivity, written at the invitation of the ABC:

Many issues are so genuinely contentious that fairness requires that voice be given to a range of diverse, opposing views. For the ABC, this is particularly important in the presentation of news programs. Balance also has a role in commentary and investigative programs, but there the journalist is obliged not merely to present opposing views, but to challenge, explore and criticise where appropriate. The presentation of every view as having equal credibility can be an abnegation of responsible objectivity. When the evidence has been fairly presented and assessed, a judgement that respects the dictates of reason is legitimate. The scales of a proper balance follow the weight of evidence. ¹⁷

B. The test

The test to be applied to the sample of news content will be as follows:

Whether, in all the circumstances of the case, the elements of impartiality are present to a sufficient degree for a reasonable person to conclude that the impartiality requirement is met.

Assessing impartiality requires judgment. Bias in news content is not amenable to scientific proof. This methodology, like any other in such a field as journalism, will include subjective judgments about whether the elements of impartiality are present to a sufficient degree for the requirement of impartiality overall to be met.

Also, in particular circumstances, reasonable professionals can honestly disagree about the proper application of News Values to a given set of facts.

As was said in the methodology on Accuracy, the impossibility of human beings acquiring Olympian detachment on any matter needs to be acknowledged. Good-faith assessment based on established professional standards, using so far as possible explicit criteria, is what can be aimed for in these quality assurance projects.

¹⁷ Editorial Policies, *Key Words 1*, March 2008.

¹⁶ For a discussion of one context in which the complexities of the word Balance arise, see ABC 2007 Federal Election Report of Chairman of Election Coverage Review Committee, pp 3-7.

C. The assessment process

1. The sample

The sample will consist of the nine items on the channel-deepening story broadcast by the 7pm ABC TV News bulletins and Stateline between 5 February, when the Federal Minister for the Environment, Peter Garrett, gave approval for the dredging to go ahead, and 22 February, the day after the Federal Court, in an interim decision later confirmed, rejected a challenge to his decision by opponents of the dredging.

2. The reviewers

Four reviewers will review the coverage. None works for the ABC; each has considerable journalistic experience.

At no time will the reviewers make contact with the ABC staff involved in making the material under review unless directed to do so by the project manager.

3. The assessment

As with all Quality Assurance projects on content, there will be three stages to the assessment process.

Stage 1 will consist of the initial assessment by the reviewers and project manager.

Stage 2 will consist of the provision of preliminary findings to the relevant ABC Director for comment.

Stage 3 will consist of the preparation of a final report taking into account the outcomes from Stages 1 and 2.

Assessing the elements other than News Values

In Stage 1, the reviewers will read the entire coverage in the three outlets within the time frame given above, and then, in respect of the ABC's coverage, interview the quoted sources and examine documents that are quoted or referred to or brought to the attention of the reviewer in the course of the interviews.

The sources will be divided up among the reviewers so that each is approached once only. Where the program has interviewed multiple individuals from the same organisation or group – as with the Port of Melbourne Corporation and the Blue Wedges Coalition – each individual will be interviewed as part of the review. Where an individual appears in more than one item, they will be interviewed in respect of each item in which they appear.

In addition to the interview, any documentation on which an item was based will be compared with the item as broadcast for Accuracy, Context and Fairness.

In the course of assessing the elements other than News Values, each person interviewed will be asked a standard series of questions in respect of each story in the ABC's coverage in which they appear. The questionnaire for these interviews is given at Appendix II of the final report.

A standard questionnaire has been prepared so that each story is reviewed identically, and each source is asked precisely the same questions.

The questionnaire has been designed to elicit information from the sources, based on the perspective of the group or organisation they represent.

They are asked specifically about each story in respect of five of the seven elements of impartiality contained in the definition above:

Accuracy
Fairness
Balance
No conflicts
No prejudgment

In respect of stories that receive less than a fully positive assessment from the source, the reviewers will ask for evidence to support the assessment.

If the respondent makes a bald assertion that the coverage lacked impartiality, the reviewer will seek the evidence that supports the claim, such as a record of interview, a document, correspondence (including email), or some corroboration of the claimed deficiency.

The deficiency must relate to one of the five elements listed above.

The element "Context" will be judged by reference to documentary material which contributed to the making of an item and to any juxtaposing with related in a bulletin.

Assessing News Values

Preliminary assessment of News Value will be made by the reviewers on the basis of their professional judgment. In doing so, they will identify the News Values present in each story in each medium and make a general assessment of whether, taking those News Values into account, the prominence give to the story by the ABC was reasonable, taking account of what else was happening and being reported that day. In doing this, they will also look at the relative prominence given the story by the two newspapers.

If they arrive at a conclusion about the prominence given to the story by any outlet which leads them to question its prominence on impartiality grounds, they will be asked to give reasons, grounded in the application of News Values.

The reviewers' assessments will be provided to the project manager for consideration, and for the preparation of a report.

Overall assessment

In arriving at their overall assessment of a story, therefore, the reviewers will take into account:

- 1. What they have been told by the sources interviewed.
- 2. What they have seen themselves from documentary sources.
- 3. Their own professional judgment about the content of the item as finally broadcast, based upon the material in 1 and 2 above.
- 4. Their professional assessment of the News Value of the item on the day.

4. Potential refinements

Two further components were considered for this research design but not included this time, partly because of the experimental nature of this study and partly because of time constraints. However, the researchers believe these would add rigour to a future examination of impartiality of television news.

First, the current study is confined to the script of the television coverage and does not include visual images. A further study might include an analysis by two semioticians, working independently, of the messages conveyed by the visual images. This analysis would be contextualised by reference to the script.

Second, the current study contains no viewer or audience perspective. Audience perceptions add a useful dimension to any examination of impartiality, and a future study might include the use of a small number of focus groups, drawn from the adult population of the place where the program is broadcast. The groups would be shown the stories under review and be asked a standard set of questions about their perceptions of the stories and the reasoning behind those perceptions. This would be done without the participants being told that impartiality was the ingredient under review.

A further refinement would be to use other free-to-air television channels as a comparator.

A research design which included textual analysis, visual semiotics, external comparators from a like medium, participant interviewees and audience perceptions would be an extremely comprehensive approach to this difficult task.

Appendix II: Questionnaire used among participants in ABC coverage

ABC Editorial Quality Assurance Project: Impartiality (News) Questionnaire for issue-participants

Introduction

Thank you for agreeing to be interviewed as part of this Editorial Quality Assurance project. The data will be used only for the purposes of the project and will be destroyed when the research is complete. Your responses will not be attributed to you in the research report, but your name and position will appear in an appendix listing the participants to whom we spoke.

If you wish to confirm the status of the project, please contact the project manager, Dr Denis Muller, on 03 9349 3994 or at denismuller@optusnet.com.au.

Dr Muller is an independent researcher who is undertaking this work for the ABC. The researchers' communications with each respondent will be treated by them as confidential and it would be appreciated if this were reciprocated so that the integrity of the research was maintained.

Questions

1.	an individual respondent speak	facts of the story as they relate to your view about this matter (if ing in his/her own right) or the view of the group or interest you the following best describes the accuracy of this story:
	Wholly accurate	□1
	Substantially accurate	□2
	Immaterially inaccurate	□3
	Materially inaccurate	□4
	(If any response other than "wh	olly accurate"): Why do you say that?
2.	And from the same point of view was:	v, how would you rate that story for fairness? Would you say it
	Very fair	□1
	Quite fair	□2
	Somewhat unfair	□3
	Very unfair	□4
	(If any response other than "ver	y fair"): Why do you say that?

3.		of view, how would you rate that story for balance, that is, giving the story? Would you say it was:	
	Very well balanced	□1	
	Quite well balanced	□2	
	Not very well balanced	□3	
	Not at all well balanced	□4	
	(If any response other than "ver	y well balanced"): Why do you say that?	
4.		ink that the ABC journalist who made this story had a conflict of the sense that he or she had interests to serve other than those	
	Yes	□1	
	No	□2	
	(If yes): What is that reason and what evidence, if any, do you have to support it?		
5.		to think that the ABC itself had a conflict of interest in reporting d interests to serve other than those inherent in being a news	
	Yes	□1	
	No	□2	
	(If yes): What is that reason and	what evidence, if any, do you have to support it?	
6.	And as far as you could tell from you say the journalist:	your dealings with the ABC journalist who made this story, would	
	Did	□1	
	Or		
	Did not	□2	
	approach the story with an oper	mind?	
	Or did you not have dealings wi	th the ABC journalist who made this story?	
	(If "did not", ask): Why do you say that?		

7.	And on the basis of the <u>script</u> of the story as it was broadcast, as far as you can tell would you say the ABC television news service itself	
	Did	□1
	Or	
	Did not	□2
	approach the story with an open mind?	
	(If "did not", ask): Why do you say that?	

Thank you again for your time. It is greatly appreciated.

Appendix III: Participants and their organisations or interests

Peter Garrett, Federal Minister for the Environment

Stephen Bradford, Port of Melbourne Corporation Chief Executive

Wayne Kayler-Thomson, Victorian Employers' Chamber of Commerce and Industry (VECCI)

Jenny Warfe, Blue Wedges Coalition spokeswoman

Ted Baillieu, Victorian Leader of the Opposition

Rod Collins, Victoria Police superintendent

Nick Easy, Port of Melbourne Corporation project manager

Dr Graham Harris, former CSIRO ecologist

Simon Ramsay, Victorian Farmers' Federation

Jo Samuel-King, Blue Wedges Coalition spokeswoman

Zoe Hogg, Earthcare St Kilda

Tim Piper, Australian Industry Group

Kevin Bracken, Maritime Union of Australia

Peter Knight, Maribyrnong Truck Action Group

Tiana Preston, Penguin researcher

Mark Adams, demonstrator

Mick Bourke, Environmental Protection Authority

John Brumby, Premier of Victoria

Jenny Lindell, Speaker of the Victorian Parliament

Steve Bracks, former Premier of Victoria

Mr Bracks, Mr Brumby, Mr Easy and Mr Garrett were approached but were not available for interview.