

# **EDITORIAL REVIEW NO. 7**

## **ABC RADIO CURRENT AFFAIRS COVERAGE OF THE CHINA-AUSTRALIA FREE TRADE AGREEMENT**

**An independent editorial review for the Australian  
Broadcasting Corporation by Peter Cavanagh**

**December 2015**

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## 1. EXECUTIVE SUMMARY

This report has been prepared at the request of the Board of the Australian Broadcasting Corporation to assess coverage of the China-Australia Free Trade Agreement provided by three ABC Radio current affairs programs and the Breakfast and Drive programs on Radio National.

The report looks in particular at the impartiality of that coverage and at the balance and diversity of views presented by those programs over a four-month period commencing with the formal signing of the agreement on 17 June 2015.

The major issue of public and political debate during the period under review was the effect the free trade agreement would have on the Australian labour market. Strident, diametrically-opposed claims were presented by the Government on the one hand and the opposition parties and trade union movement on the other.

This was a particularly complex issue for a general audience to grapple with - requiring an understanding of the formal text of the China-Australia Free Trade Agreement, side letters between the two Governments, separate Memorandums of Understanding and the impact of existing legislation.

After reviewing 47 different program items, I have found that the coverage provided by the five programs was both fair and impartial.

I have also found that the key protagonists on both sides of the labour market debate were well-represented across the four-month period.

I have noted however that even after four months of debate, fundamental differences in how the agreement was being interpreted by the competing parties remained unresolved.

In my view, the public interest would have been better served by thorough and credible analysis of the various conflicting claims at an appropriately early stage of the debate.

This report recommends that:

When covering an issue of significant public interest where the subject matter is outside the knowledge or experience of the average listener and where there is fundamental disagreement on significant matters of fact, the ABC should:

- (i) thoroughly test claims and counter-claims;
- (ii) seek credible views and analysis from suitably qualified people who are independent of the main combatants and

- (iii) obtain and present sufficient factual material to enable the audience to form its own considered views on the merits of the argument

## **2. INTRODUCTION**

### **2.1 Background**

#### **China-Australia Free Trade Agreement**

In May 2005, the Australian and Chinese Governments began negotiations for a free trade agreement between the two countries. Negotiations were finalized in November 2014 and the China-Australia Free Trade Agreement (ChAFTA) was formally signed by both governments on 17 June 2015.

The agreement required formal ratification by the Australian Parliament before it would come into effect.

Certain aspects of the proposed agreement were strongly opposed by the Australian Labor Party, the trade union movement and the Greens (among others). This opposition was primarily directed at the implications of the Free Trade Agreement for the Australian labour market.

#### **Editorial Review**

The Board of the Australian Broadcasting Corporation has a statutory duty to ensure that the gathering and presentation of news and information is accurate and impartial.

As part of that responsibility, the ABC Board commissioned an independent editorial review to assess the impartiality of the Corporation's coverage of the public and political debate that followed the formal signing of the Free Trade Agreement.

The ABC Editorial Policies set out the editorial and ethical principles and standards fundamental to the ABC's gathering and presentation of content.

Standard 4.1 of the Editorial Policies requires news and information to be gathered and presented with due impartiality.

Standard 4.2 requires that a diversity of perspectives be presented so that, over time, no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.

The principles underpinning the standards in section 4 explain that, in applying the impartiality standard, the ABC is guided by a number of hallmarks including that of

providing opportunities over time for principle relevant perspectives on matters of contention to be expressed.

The Guidance Note on Impartiality further explains the concepts in and application of Section 4 of the Editorial Policies.

## **2.2 Terms of Reference**

*The proposal is to review coverage of the agreement in particular on Radio current affairs programming as well as on Radio National's Breakfast and Drive programs.*

*The review is to cover impartiality and diversity of perspectives, with a particular focus on opportunities over time for all principal relevant perspectives to be expressed, with no one view over or under represented.*

*The research questions to be answered are:*

- 1. Were packaged reports, interviews and panel discussions impartial and constructed as objectively as possible, reflecting an appropriate diversity of relevant perspectives?*
- 2. Were any perspectives either misrepresented or unduly favoured?*
- 3. Were any relevant perspectives or context absent from the reports, interviews and discussions that should have been included in order to ensure appropriately accurate and balanced coverage of the issue?*
- 4. Were the voices given a fair opportunity to express their views, having regard to the significance of the interest represented and to the amount of time given and prominence assigned to each interview?*
- 5.*

The full Terms of Reference are provided in Appendix (iii) of this report.

## **2.3 Scope of Review**

This review looks specifically at the coverage of the Australia-China Free Trade Agreement provided by ABC Radio current affairs outlets.

47 different program segments were nominated by the ABC for inclusion in the review. They were broadcast over a four-month period from 16 June 2015 to 16 October 2015.

The segments were taken from the following ABC Radio programs:

- AM
- PM
- The World Today
- Radio National Breakfast
- Radio National Drive

A full list of the program items reviewed is included in Appendix (ii) of this report.

## **2.4 Methodology**

The coverage under review ranged from succinct, tightly-edited packages representing a range of different views (which you might expect from a fast-moving program such as AM or PM) to more in-depth, explorative one-on-one interviews more typical of Radio National Breakfast or Drive.

Each item of coverage was initially assessed after listening to it once, without recourse to replay or transcript (where available). This was done to replicate the experience of a listener who had accessed the content as a live radio broadcast only.

Each item was then replayed several times to more forensically assess the content, questioning and tone of the interviews and packages. This approach was designed to more closely match the experience of listeners who access content on-demand through the ABC website, apps or social media – and therefore have the opportunity to replay or share items at will.

Finally the terms of reference were applied to transcripts of the items (where available) to assess the coverage from the perspective of those accessing the content in written form only.

Each program segment was assessed:

- as a stand-alone item;
- within the context of each particular program's coverage of the issue and
- within the context of the coverage provided by the 47 segments as a whole

Each individual item was assessed against Standard 4.1 of the ABC Editorial Policies and the four research questions provided in the Terms of Reference.

The 47 individuals as a whole were assessed against Stand 4.2 of the ABC Editorial Policies and the four research questions provided in the Terms of Reference.

Standards 4.1 and 4.2 of the ABC Editorial Policies are included in Appendix (iv) of this report.

## **2.5 Disclaimer**

This review is confined to 47 items of ABC Radio current affairs coverage as nominated by the ABC. It does not include coverage of the Australia-China Free Trade Agreement in ABC News bulletins, on ABC Television or in general program content.

### 3. FINDINGS

In my opinion, each program item reviewed satisfied the impartiality requirements under Standard 4.1 of the ABC Editorial Policies.

I am also of the view that (in their totality) the 47 nominated program items satisfied the requirements of Standard 4.2 of the ABC Editorial Policies i.e.

*“...that a diversity of perspectives be presented so that, over time, no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.”*

Given that I did not detect any serious issues in any of the material under review, I do not propose to comment directly on individual items.

The issues surrounding the China-Australia Free Trade Agreement were complex however and posed particular challenges for news organizations such as the ABC in adequately explaining them to their audiences.

I will therefore make a number of observations later in this report that I hope will assist the ABC in dealing with similar issues in the future.

In relation to the four research questions contained in the Terms of Reference, my findings are as follows:

1. *Were packaged reports, interviews and panel discussions impartial and constructed as objectively as possible, reflecting an appropriate diversity of relevant perspectives?*

**Finding: Yes**

2. *Were any perspectives either misrepresented or unduly favoured?*

**Finding: No**

3. *Were any relevant perspectives or context absent from the reports, interviews and discussions that should have been included in order to ensure appropriately accurate and balanced coverage of the issue?*



**Finding:** On balance, given the number of programs involved in the review and the amount of airtime devoted to coverage of the China-Australia Free Trade Agreement over a four-month period, I believe more could have been done to better explain some very complex issues to a non-expert audience.

I will expand on this finding in the general observations which follow.

4. *Were the voices given a fair opportunity to express their views, having regard to the significance of the interest represented and to the amount of time given and prominence assigned to each interview?*

**Finding:** Yes

## **4. GENERAL OBSERVATIONS**

### **4.1 More Heat Than Light**

After almost 10 years of bilateral negotiations, the final outcome of the China-Australia Free Trade Agreement was particularly complex.

In addition to the formal text of the agreement, which ran to 163 pages, there were two Memorandums of Understanding between the Australian and Chinese Governments and side letters covering conditions not specified in the agreement itself.

To further complicate matters, interpretation of the labour market provisions of the free trade agreement – which generated the greatest public and political debate – also needed to take into account 457 Visa requirements, the Migration Act and guidelines issued by the Department of Immigration and Border Protection and the Department of Foreign Affairs and Trade.

The implications for the Australian labour market caused the most consternation and therefore were, appropriately, the main focus of the ABC's coverage.

The Government on the one hand and the Opposition parties and trade union movement on the other, adopted diametrically-opposed positions.

Labor and the unions claimed that Australian jobs would be at risk and that Chinese workers brought into the country risked exploitation.

The Government accused Labor and the unions of racism and xenophobia and stated unequivocally that all the labour market safeguards they were seeking were already in place.

This blunt dichotomy of views was expressed repeatedly by both sides of the argument for virtually the entire four-month period covered by this review. Each side had its own very rigid interpretation of the issue and failed to budge from its position. The phrase “that's simply not true” (or words to that effect) characterized the debate.

Despite numerous attempts by ABC reporters and interviewers to test the competing claims with the key parties, neither side would give ground. As a result - even after four months of coverage - it would have been impossible for a general audience to reach any firm conclusions about the veracity of the conflicting claims being made.

Most of those interviewed by the ABC over that four-month period were either politicians or vested interest groups firmly aligned with one side of the argument. Across the 47 different program items reviewed, only a relatively small number of participants were both independent and sufficiently expert in the field to shed any real light on the diametrically-opposed claims about the potential implications for the Australian labour market.

Perhaps it was a measure of the legal and regulatory complexity of the free trade agreement together with its side agreements and the additional requirements of existing legislation, but few interviewees who might be seen to be independent were prepared to say with any certainty which interpretation was correct.

As a result the audience was left with a less-than-satisfactory outcome where coverage of the debate was largely confined to “He said, she said” journalism.

## **4.2 The Role of a Public Service Broadcaster**

One of the key roles of a public service broadcaster is to provide enough quality information, background and analysis to enable members of its audience to form their own considered views on the important issues of the day.

An individual may form views on a range of significant issues based largely on opinion, judgement and personal values. Legalizing same sex marriage, treatment of refugees or whether Australia should become a republic might be examples of major issues on which people will readily form their own views.

However on a matter as legally complex as the labour market implications of a free trade agreement, a general audience is in no position to assess the strident, conflicting claims of politicians and other vested interest groups without access to trusted and reliable explanatory information.

While I found that there was balance and impartiality in the way opposing views were presented in the programs under review, I believe more could have been done to independently test the claims of both sides.

The interests of the audience would have been better served by a greater degree of factual analysis from suitably qualified independent experts at an appropriately early stage of the debate.

Unfortunately – and with the benefit of hindsight that a review such as this provides – after four months of coverage of this issue the audience was left little closer to discerning which of the conflicting claims were correct.

### **4.3 Radio National Drive**

I have found that the coverage of the China-Australia Free Trade Agreement across the totality of the 47 program items reviewed was fair and impartial.

This applied to all five programs from which the items were chosen.

While it's a relatively minor point in the context of the ABC's coverage as a whole, I would note however that the coverage on Radio National Drive provided greater opportunity for members of the Government to present their interpretation of the labour market implications.

The program dealt with the free trade agreement on nine separate occasions between 20 August 2015 and 13 October 2015.

Members of the Government were interviewed on five different occasions.

There were two interviews with non-politicians and two interviews with members of the Labor Opposition.

The second of the Labor interviews did not take place until near the end of the four-month debate, once negotiations between the Government and the ALP were about to get underway.

I am cognizant that RN Drive is closely preceded by PM and the juxtaposition of the two programs contributes to the question of overall balance. However to the extent that RN Drive has its own discrete audience, I consider that the coverage provided had the potential to unintentionally skew its listeners' understanding of the issue.

My comments on each of the RN Drive program items are included under Appendix (v) of this report.

## **5. RECOMMENDATION**

When covering an issue of significant public interest where the subject matter is outside the knowledge or experience of the average listener and where there is fundamental disagreement on significant matters of fact, the ABC should:

- (i) thoroughly test claims and counter-claims;
- (ii) seek credible views and analysis from suitably qualified people who are independent of the main combatants and
- (iii) obtain and present sufficient factual material to enable the audience to form its own considered views on the merits of the argument

Peter Cavanagh  
8 December 2015

# APPENDIX (i)

## ABOUT THE REVIEWER

Peter Cavanagh is a former journalist and senior media executive with over 40 years experience in both public service and commercial broadcasting.

He was Chief Executive and Editor-in-Chief of New Zealand's national broadcaster, Radio New Zealand, for 10 years until 2013. Prior to that he was Head of SBS Television and Head of SBS News & Current Affairs in Sydney. Other roles included six years as Managing Director of an Australian commercial television company and leader of a postgraduate broadcast journalism programme in the United Kingdom.

He began his broadcasting career as a journalist and political correspondent for ABC radio and television in Sydney.

# APPENDIX (ii)

## LIST OF PROGRAMS

Date	Program	URL	Headline
17/06/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4256423.htm">http://www.abc.net.au/am/content/2015/s4256423.htm</a>	China-Australia free trade agreement to be sealed today
17/06/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4256943.htm">http://www.abc.net.au/pm/content/2015/s4256943.htm</a>	Winners and losers from China Australia Free Trade Agreement
17/06/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4256589.htm">http://www.abc.net.au/worldtoday/content/2015/s4256589.htm</a>	Australia and China sign landmark free trade deal
18/06/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4257405.htm">http://www.abc.net.au/worldtoday/content/2015/s4257405.htm</a>	Chinese medicine's special mention in free trade deal a backward step for health and science: Dr Marcello Costa
18/06/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/not-everyone-pleased-with-china-free-trade/6555144">http://www.abc.net.au/radionational/programs/breakfast/not-everyone-pleased-with-china-free-trade/6555144</a>	Concerns China Free Trade deal could drive down wages and push up unemployment
18/06/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/abbott-signs-off-on-free-trade-deal/6555146">http://www.abc.net.au/radionational/programs/breakfast/abbott-signs-off-on-free-trade-deal/6555146</a>	Health care a big winner from China FTA but not all business onside
29/06/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4263707.htm">http://www.abc.net.au/worldtoday/content/2015/s4263707.htm</a>	ETU and Fire Protection Association urge Government to reverse FTA decision
8/07/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4269434.htm">http://www.abc.net.au/am/content/2015/s4269434.htm</a>	Trade minister reassures workers China FTA won't threaten Australian jobs
10/07/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/concerns-fta-provisions-for-chinese-labour-will-see/6609332">http://www.abc.net.au/radionational/programs/breakfast/concerns-fta-provisions-for-chinese-labour-will-see/6609332</a>	Concerns FTA provisions for Chinese labour will see Australian workers lose out on jobs
13/07/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/union-targets-govts-fta-with-china-in-new-tv/6614800">http://www.abc.net.au/radionational/programs/breakfast/union-targets-govts-fta-with-china-in-new-tv/6614800</a>	Union targets Govt's FTA with China in new TV campaign
22/07/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4278357.htm">http://www.abc.net.au/am/content/2015/s4278357.htm</a>	ACTU president warns against changes to GST

23/07/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/business-and-unions-at-loggerheads-over-china-fta/6641744">http://www.abc.net.au/radionational/programs/breakfast/business-and-unions-at-loggerheads-over-china-fta/6641744</a>	Business and unions at loggerheads over China FTA
25/07/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4280644.htm">http://www.abc.net.au/am/content/2015/s4280644.htm</a>	ALP conference: Bill Shorten turns to climate change and China trade deal
25/07/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4280645.htm">http://www.abc.net.au/am/content/2015/s4280645.htm</a>	Industry groups join forces to hit back at unions' criticism of China trade deal
29/07/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4277963.htm">http://www.abc.net.au/worldtoday/content/2015/s4277963.htm</a>	Meat producers welcome \$1b live export deal with China
19/08/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4296379.htm">http://www.abc.net.au/pm/content/2015/s4296379.htm</a>	Cabinet springs a leak: reveals Govt's line on what to say about leaks (section of larger story)
20/08/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4297137.htm">http://www.abc.net.au/pm/content/2015/s4297137.htm</a>	Govt accuses Labor of 'racist lies' over China free trade deal
20/08/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/kelly-o27dwyer-on-federal-politics/6712704">http://www.abc.net.au/radionational/programs/drive/kelly-o27dwyer-on-federal-politics/6712704</a>	Kelly O'Dwyer on the FTA with China
24/08/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/penny-wong-on-the-china-australia-free-trade-agreement/6719204">http://www.abc.net.au/radionational/programs/breakfast/penny-wong-on-the-china-australia-free-trade-agreement/6719204</a>	Penny Wong on the China-Australia free trade agreement
27/08/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4301515.htm">http://www.abc.net.au/pm/content/2015/s4301515.htm</a>	Senior Labor MP says his party should oppose China free trade deal, if it can't be amended.
28/08/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4301700.htm">http://www.abc.net.au/am/content/2015/s4301700.htm</a>	Royal commission has descended into 'high farce': Brendan O'Connor (discussed in latter part of story)
28/08/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4301739.htm">http://www.abc.net.au/am/content/2015/s4301739.htm</a>	Tony Abbott defends Dyson Heydon, China free trade deal amid controversy
28/08/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4301937.htm">http://www.abc.net.au/worldtoday/content/2015/s4301937.htm</a>	China free trade: Govt puts pressure on Labor to pass deal in current form
28/08/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/steven-ciobo-on-operation-fortitude-and-ftas/6733650">http://www.abc.net.au/radionational/programs/drive/steven-ciobo-on-operation-fortitude-and-ftas/6733650</a>	Steve Ciobo on Operation Fortitude and FTAs
1/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4303640.htm">http://www.abc.net.au/am/content/2015/s4303640.htm</a>	Labor up for free trade agreement with China, but not at risk of labour market: Penny Wong
2/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4305151.htm">http://www.abc.net.au/am/content/2015/s4305151.htm</a>	Positive spin on 0.2 per cent economic growth is misleading: Chris Bowen
2/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4304370.htm">http://www.abc.net.au/am/content/2015/s4304370.htm</a>	Trade Minister calls on Bill Shorten to join with Labor premiers' support for China FTA



2/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4304415.htm">http://www.abc.net.au/am/content/2015/s4304415.htm</a>	Shipping changes an act of unilateral economic disarmament: Albanese
2/09/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4304965.htm">http://www.abc.net.au/pm/content/2015/s4304965.htm</a>	Weak growth rate in line with budget expectations: Joe Hockey
2/09/2015	The World Today	<a href="http://www.abc.net.au/worldtoday/content/2015/s4304547.htm">http://www.abc.net.au/worldtoday/content/2015/s4304547.htm</a>	Abbott campaigns in Canning ahead of crucial by-election
2/09/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/andrew-robb-on-the-china-fta/6744288">http://www.abc.net.au/radionational/programs/drive/andrew-robb-on-the-china-fta/6744288</a>	Andrew Robb on the China FTA
3/09/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4305709.htm">http://www.abc.net.au/pm/content/2015/s4305709.htm</a>	Political argument continues over China free trade agreement
3/09/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/andrew-leigh-on-ftas-and-canning/6747886">http://www.abc.net.au/radionational/programs/drive/andrew-leigh-on-ftas-and-canning/6747886</a>	Andrew Leigh on FTAs and Canning
3/09/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4305709.htm">http://www.abc.net.au/pm/content/2015/s4305709.htm</a>	Political argument continues over China free trade agreement
4/09/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/fmr-australian-ambassador-to-china-geoff-raby/6748934">http://www.abc.net.au/radionational/programs/breakfast/fmr-australian-ambassador-to-china-geoff-raby/6748934</a>	Former Australian ambassador to China Geoff Raby on the FTA debate
7/09/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/politics-with-phil-coorey/6756184">http://www.abc.net.au/radionational/programs/drive/politics-with-phil-coorey/6756184</a>	Politics with Phil Coorey
7/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4307172.htm">http://www.abc.net.au/am/content/2015/s4307172.htm</a>	Treasurer Joe Hockey says delaying an interest rate rise in the United States could harm the global economy
8/09/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/migration-experts-say-the-fta-labour-market-testing/6756972">http://www.abc.net.au/radionational/programs/breakfast/migration-experts-say-the-fta-labour-market-testing/6756972</a>	Migration experts say debate over FTA labour market testing misses the point
8/09/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/can-free-trade-be-good-for-workers-rights3f/6759528">http://www.abc.net.au/radionational/programs/drive/can-free-trade-be-good-for-workers-rights3f/6759528</a>	Can free trade be good for workers rights?
9/09/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/steve-ciobo-on-syria-and-chafta/6762368">http://www.abc.net.au/radionational/programs/drive/steve-ciobo-on-syria-and-chafta/6762368</a>	Steve Ciobo on Syria and China FTA
17/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4314096.htm">http://www.abc.net.au/am/content/2015/s4314096.htm</a>	Anthony Albanese says Labor voters won't be swayed by Turnbull leadership

23/09/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/victorian-premier-daniel-andrews-in-china-to-boost/6797500">http://www.abc.net.au/radionational/programs/breakfast/victorian-premier-daniel-andrews-in-china-to-boost/6797500</a>	Victorian Premier Daniel Andrews visits China in a bid to boost business for his state
29/09/2015	RN Drive		New minister Ciobo pushes China free trade deal, defends foreign aid budget
29/09/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4322133.htm">http://www.abc.net.au/am/content/2015/s4322133.htm</a>	China-Australia relationship: Chinese ambassador says mutual trust is the key
6/10/2015	RN Breakfast	<a href="http://www.abc.net.au/radionational/programs/breakfast/actu-calls-for-scrutiny/6830004">http://www.abc.net.au/radionational/programs/breakfast/actu-calls-for-scrutiny/6830004</a>	ACTU calls for CHAFTA scrutiny
13/10/2015	RN Drive	<a href="http://www.abc.net.au/radionational/programs/drive/penny-wong-proposes-new-path-for-passing-china-free-trade-agree/6851500">http://www.abc.net.au/radionational/programs/drive/penny-wong-proposes-new-path-for-passing-china-free-trade-agree/6851500</a>	Penny Wong proposes new path for passing China free trade agreement
13/10/2015	PM	<a href="http://www.abc.net.au/pm/content/2015/s4330911.htm">http://www.abc.net.au/pm/content/2015/s4330911.htm</a>	Compromise close on the China Free Trade Deal
14/10/2015	AM	<a href="http://www.abc.net.au/am/content/2015/s4331153.htm">http://www.abc.net.au/am/content/2015/s4331153.htm</a>	Unions will keep campaigning for amendments to China trade deal

# APPENDIX (iii)

## TERMS OF REFERENCE

### *Editorial REVIEW 7*

#### ***Review of the impartiality and diversity of perspectives in the coverage of the Australia China Free Trade Agreement on selected ABC Radio programming***

##### ***Background***

*The ABC Board has a statutory duty to ensure that the gathering and presentation of news and information is accurate and impartial: section 8(1)(c), Australian Broadcasting Act 1983 (Cth).*

*The ABC Editorial Policies set out the editorial and ethical principles and standards fundamental to the ABC's gathering and presentation of content. Standard 4.1 of the Editorial Policies requires news and information to be gathered and presented with due impartiality. Standard 4.2 requires that a diversity of perspectives be presented so that, over time, no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented. The principles underpinning the standards in section 4 explain that, in applying the impartiality standard, the ABC is guided by a number of hallmarks including that of providing opportunities over time for principle relevant perspectives on matters of contention to be expressed. The Guidance Note on Impartiality further explains the concepts in and application of Section 4 of the Editorial Policies.*

##### ***Scope and Subject***

*On 17 June 2015, the Australian and Chinese Governments signed an in principle agreement in Canberra to put in place a new Free Trade Agreement.*

*In the weeks and months that followed, there was substantial public debate about the agreement as public awareness of the issues slowly emerged. The debate included both economic and social impacts of the proposed deal.*

*The issue has been extensively covered by the ABC, most notably in its current affairs programming.*

*The proposal is to review coverage of the agreement in particular on Radio current affairs programming as well as on Radio National's Breakfast and Drive programs.*

*The review would cover impartiality and diversity of perspectives, with a particular focus on opportunities over time for all principal relevant perspectives to be expressed, with no one view over or under represented.*

Time span: 16 June to 16 October 2015.

Programs & Services: Radio National Breakfast, AM, PM, The World Today, Saturday AM, Radio National Drive.

### **Reviewer**

*The review will be carried out by **Peter Cavanagh**, former Chief Executive and Editor-in-Chief of Radio New Zealand, former Head of Television and Head of Television News & Current Affairs at SBS, and a highly experienced journalist and editorial leader.*

### **Research Questions**

*The research questions to be answered are:*

- 1. Were packaged reports, interviews and panel discussions impartial and constructed as objectively as possible, reflecting an appropriate diversity of relevant perspectives?*
- 2. Were any perspectives either misrepresented or unduly favoured?*
- 3. Were any relevant perspectives or context absent from the reports, interviews and discussions that should have been included in order to ensure appropriately accurate and balanced coverage of the issue?*
- 4. Were the voices given a fair opportunity to express their views, having regard to the significance of the interest represented and to the amount of time given and prominence assigned to each interview?*

### **Method**

*The Reviewer will be provided with a copy of the ABC Editorial Policies, with their attention specifically drawn to section 4 (Impartiality and Diversity of Perspectives). The Reviewer will also be provided with the Impartiality Guidance Note.*

*The Reviewer will be asked to watch each piece of content in the sample, all of which should be accessible online, and to consider the Research Questions. The Reviewer is also invited to make whatever additional comments they see fit about the content in relation to achieving appropriate impartiality and diversity of perspectives.*

*The Reviewer will produce a draft report and provide it to the Director, Editorial Policies.*

*Responses to the draft report will be sought from relevant Divisions and program teams, with those responses then provided to the Reviewer. The reviewer will consider those responses before submitting a final report.*

*The final report, together with any responses, will be made public.*

# APPENDIX (iv)

## ABC EDITORIAL POLICIES

### 4 Impartiality and diversity of perspectives

#### Principles

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

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

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

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

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

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

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

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

#### Standards

- 4.1 Gather and present news and information with due impartiality.

4.2 Present a diversity of perspectives so that, over time, no significant strand of thought or belief within the community is knowingly excluded or disproportionately represented.

4.3 Do not state or imply that any perspective is the editorial opinion of the ABC. The ABC takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of speech and religion, parliamentary democracy and equality of opportunity.

4.4 Do not misrepresent any perspective.

4.5 Do not unduly favour one perspective over another.

# APPENDIX (v)

## Coverage of the China-Australia Free Trade Agreement (ChAFTA) on the Radio National Drive program

### Item 20

Broadcast: Thursday, 20 August 2015

#### Introduction:

*The government has been focusing hard on the China Free Trade Agreement, trying to deflect attention from further leaks from within its own ranks.*

*The Prime Minister Tony Abbott told Parliament that Labor's objections to the deal with China are racist and hark back to when the Party supported a White Australia Policy at the beginning of the last century.*

*Meanwhile, the Liberal Party is facing scandals in two states. In Victoria more than \$1 million has been stolen, and a former state director is implicated. And, in Queensland the Electoral Commissioner is threatening to take the Liberal Party to court.*

#### Program Summary:

This item was primarily a live one-on-one interview with the Parliamentary Secretary to the Treasurer, Kelly O'Dwyer.

The interview was introduced using 30 seconds of actuality of the Prime Minister in Parliament earlier that day accusing the Labor Party of "racist lies". The host then invited listeners to phone in with their views on whether Labor was being racist in its opposition to the free trade agreement.

The interview with Kelly O'Dwyer covers several issues starting with the free trade agreement.

Kelly O'Dwyer puts the Government's position on the labour market issue accusing Labor of being "incredibly dishonest". Approximately three minutes is spent discussing the free trade agreement directly followed by a further three minutes on



the loosely related issue of new restrictions on foreign investment in Australian housing.

At this point the host repeats her invitation for listeners to comment on whether Labor is being racist and then moves on to discuss same-sex marriage, the union royal commission and allegations of theft from the Victorian Branch of the Liberal Party.

**Comment:**

**The host is both fair and rigorous in adopting the “devil’s advocate” role during the interview. This is the first opportunity on RN Drive for the Government to argue its case against Labor and the unions.**

## Item 26

Broadcast: Friday, 28 August 2015

**Introduction:**

*As pressure to finalize the Free Trade Agreement with China builds, the Parliamentary Secretary to the Minister for Trade and Investment Steve Ciobo comments on concerns about Australian jobs.*

*He also responds to suggestions that Operation Fortitude was the bungle of the year.*

**Program Summary:**

A live interview with the Parliamentary Secretary to the Minister for Foreign Affairs and the Minister for Trade and Investment, Steve Ciobo.

The first two-thirds of the interview is taken up with discussion of “Operation Fortitude” a joint operation by the Victorian Police and the Australian Border Force.

The interview then moves on to the Australian-China Free Trade Agreement with the host referring to support for the agreement by former Labor Prime Minister, Bob Hawke.

Steve Ciobo accuses the trade union movement of misinformation and says the ALP is “*playing to xenophobic fears*”. He says all the labour market safeguards being sought by Labor and the unions are already in place.

This segment runs approximately 2 minutes 15 seconds.

**Comment:**

**The interview is fair and impartial. This is the second opportunity for the Government to put its position on RN Drive.**

**Item 33**

Broadcast: Wednesday, 2 September 2015

**Introduction:**

*According to official figures, Australia has just experienced the weakest economic growth in more than two years. Gross domestic product grew just 0.2 per cent in the three months to June.*

*This comes as the Coalition steps up efforts to pressure Labor to support the China Free Trade Deal.*

**Program Summary:**

Interview with the Minister for Trade and Investment, Andrew Robb, running 12 minutes 42 seconds.

The interview begins with discussion of weakening economic growth figures.

Andrew Robb links this issue to China-Australia Free Trade Agreement arguing that the weakening economy places “even greater urgency” on finalizing the agreement. He says free trade agreements are a key plank in the Government’s plans to deal with the end of the mining boom. ChAFTA would assist in transitioning to a services-based economy.

About half way through the interview the host plays a 12 second clip of Bill Shorten saying that Labor will “*not sign any old deal which undermines Australian jobs*”.

Andrew Robb refers to support for the free trade agreement from former Labor Minister, Simon Crean. He describes CFMEU campaign as “*lies*” supported by Labor and asserts that “*nothing has changed*” in the agreement.

Andrew Robb accused Bill Shorten of selfishness and “*grubby politics*” and said the free trade agreement would fall through if the Labor Leader didn’t change tack.

There is a brief mention of the Canning by-election at the end of the interview.

The host concludes by inviting listeners to tell her what they make of the China-Australian Free Trade Agreement. She makes the point that *“so many senior Labor figures”* have now come out in support of the agreement but *“Bill Shorten still hasn’t guaranteed its support”*.

**Comment:**

**The host again diligently plays the role of devil’s advocate. This is the third opportunity for the Government to criticize the position adopted by Labor and the unions.**

**Item 35**

Broadcast: Thursday, 3 September 2015

**Introduction:**

*Well let’s kick-off with the China-Australia Free Trade Agreement, which the Coalition has been defending today.*

*The Opposition has reservations about arrangements for foreign labour under the deal, but Trade Minister Andrew Robb says those aspects of the negotiations are the same as when Labor initiated negotiations 10 years ago.*

**Program Summary:**

Interview with Shadow Assistant Treasurer, Andrew Leigh, running 10 minutes 43 seconds.

Host questions whether Labor is *“playing politics at the risk of losing a deal vital to the national economy”*.

Andrew Leigh says the China Australia Free Trade Agreement is the first trade deal which removes labour market testing. He says the Prime Minister and Trade Minister are playing brinkmanship.

Host then plays 16 seconds of actuality of the Prime Minister: *“They should drop the silly politics and back this country, back Australian workers, back our exporters and dump the CFMEU.”*

Host asks why Labor keeps arguing against crucial elements of the agreement which were negotiated under the previous Labor Government. Andrew Leigh says that’s simply not right. Removal of labour market testing is a new element causing broad

community concern. He says when unemployment is at its highest level in 13 years, trade deals should be creating jobs, not replacing them.

Host pushes Andrew Leigh on whether Labor was prepared to sink the deal but Leigh says there can be a negotiated solution.

Host questions why Victorian Labor Premier is happy with the deal but the Federal Opposition is not. Leigh says Premier recognizes that work needs to be done of temporary migration side of the deal.

At about the six-minute mark, the host concludes the discussion on the China Australia Free Trade Agreement by asking listeners to have their say on the *“ongoing discussions on the free trade agreement”*.

The interview then moves on to the national accounts and the Canning By-election

**Comment:**

**The host is robust in her questioning of the Labor spokesman, consistent with the approach taken in the three previous interviews with members of the Government.**

**Item 38**

Broadcast: Monday, 7 September 2015

**Introduction:**

*The Coalition Government has reached a milestone. It is exactly two years since Tony Abbott became Prime Minister.*

*The anniversary comes as the Government is tackling two tough issues: how Australia should respond to the humanitarian crisis in Syria and how to get Senate backing for the China-Australia Free Trade Agreement.*

**Program Summary:**

Interview with the Chief Political Correspondent for the Australian Financial Review, Phil Coorey running 7 minutes 31 seconds.

First four minutes spent discussing Syria.

Host says the Government and Labor remain deadlocked over the China-Australia Free Trade Agreement and asks Phil Coorey who's winning?

Phil Coorey says there's no way Labor will block the deal.

On the deadlock he says:

*"Where the disagreement lies are the assurances in briefing notes and press releases that Chinese companies will have to look for Australian labour first on certain projects but if you go into the fine print of the detail not only is that not there and in some cases it's explicitly ruled out."*

Phil Coorey says the Chinese always wanted labour mobility:

*"It's clear something's been given. How much is what's being argued about."*

**Comment:**

**A neutral discussion with an independent commentator which does not raise issues of balance.**

## **Item 41**

Broadcast: Tuesday, 8 September 2015

**Introduction:**

*The Government is fighting hard for the free trade deal with China but Labor argues that the current deal is bad for workers and wants more guarantees.*

*But is there a middle way here, a way of thinking about the free trade and labour rights where the two go hand-in-hand? Well my next guest thinks so.*

**Program Summary:**

Item starts with 16 seconds of actuality each from the Prime Minister and the Opposition Leader.

Tony Abbott: *"It would be absolutely unconscionable not to take the deal as negotiated by this Government with the Chinese.*

Bill Shorten: *"There is nothing for Australia to gain by entering a race to the bottom with our neighbours on wages and conditions."*

The actuality is followed by an interview with Tim Harcourt from the UNSW Business School running approximately 5 minutes 15 seconds.

Tim Harcourt agrees that the China-Australia Free Trade Agreement is fundamentally a good thing saying that the open market reforms of the Hawke-Keating Governments had been a “*good story*” for workers and their unions.

Tim Harcourt is asked whether he agrees with Labor that the agreement will adversely affect labour standards but doesn’t directly answer the question. He is then asked what safeguards are needed and whether he agrees with the changes proposed by Labour. Again he doesn’t respond directly but quotes former Labour Minister Craig Emerson as saying it’s possible to pass provisions in Parliament to provide labour market protection.

The interview concludes with a speculative question on whether Tim Harcourt thinks the Chinese would walk away from the deal.

**Comment:**

**To the extent that Tim Harcourt was one of the few independent commentators interviewed during the four-month period of coverage, this interview was perhaps a lost opportunity.**

**It is difficult to determine from the interview whether Mr. Harcourt had any particular insights into the China-Australia Free Trade Agreement per se or was speaking as an expert on free trade deals more generally.**

**In any event, direct questions on whether he agreed with the Labor position remained unanswered which did not assist the audience’s understanding of the issues under debate.**

## **Item 42**

Broadcast:                      Wednesday 9 September 2015

**Introduction:**

*The Parliamentary Secretary to the Minister for Foreign Affairs, Steve Ciobo, discusses Australia's plan to extend air strikes from Iraq into Syria.*

*He also explains the decision to accept an extra 12,000 refugees affected by the conflict in both countries.*

*He spoke to RN Drive from Guangdong Province, where he has been promoting the China-Australia Free Trade Agreement.*

**Program Summary:**

Interview with Steve Ciobo running 9 minutes 10 seconds. About two-thirds of the interview is taken up with discussion on Government decisions regarding Syrian refugees and increased Australian military action in Syria.

The final 3 minutes 17 seconds deals with the China Australia Free Trade Agreement.

The host asks Steve Ciobo what he is hearing from the Chinese about the political debate in Australia. He says the people he has spoken to are concerned, frustrated and confused.

Steve Ciobo says Bill Shorten is doing the bidding of the most militant union movement in Australia and Labor's claims *"are completely without merit"*. When asked about Labor's demands for further legislative protection, he says Australia *"cannot put in place extra conditions around the negotiations which have taken place"*.

Steve Ciobo describes Labor's claims as a *"silly political stunt"* and argues that *"under the Migration Act, every possible protection that is sought is already there"*.

**Comment:**

**This is the fourth appearance on RN Drive by a member of the Government rejecting the labour market arguments put forward by the Labor Party and the unions.**

**Item 45**

Broadcast: Tuesday, 29 September 2015

**Introduction:**

*One hundred days after the China-Australia Free Trade Agreement was signed, it has still not been ratified by the Federal Parliament.*

*The Labor Party and unions continue to loudly oppose aspects of the treaty.*

*But pushing to get the deal over the line is Steven Ciobo, the new Minister for International Development and the Pacific.*

**Program Summary:**

Interview with the Minister for International Trade and Development, Steve Ciobo. Interview runs 10 minutes 37 seconds of which about five minutes deals with the China-Australia Free Trade Agreement.

Interview opens with actuality of former Prime Minister Tony Abbott speaking on commercial radio about losing the Liberal leadership. Steve Ciobo discusses those comments.

When the interview moves on the free trade agreement, Steve Ciobo is asked what he is hearing from China. *“Is impatience creeping in 100 days after the signing?”*

Steve Ciobo says Bill Shorten *“is absolutely beholden to the most militant and extreme union, the CFMEU.”*

Then follows 30 seconds of actuality from Labor Trade Spokesman, Penny Wong:

*“We need to see safeguards to the agreement around jobs, around Australian wages and conditions, avoiding the exploitation of foreign workers and maintaining Australian standards when it comes to our trades.”*

Steve Ciobo says Labor is being disingenuous:

*“Labor’s concerns – at face value they sound valid but the problem is they are simply not backed up because we have all those protections in Australian domestic law right now. Labor knows that. This is nothing but a terrible scare campaign, a misrepresentation and frankly this is going back to the early traits of the Australian Labor Party which saw the genesis of the White Australia Policy.”*

*“I really implore again the Australian Labor Party to stop being xenophobic.....and not to play these kind of frankly disgusting games because they think there’s a couple of votes in it.”*

The interview concludes with discussion on recent cuts in Australia’s foreign aid.

**Comment:**

**This is the third opportunity for Steve Ciobo to argue the Government’s case on the China-Australia Free Trade Agreement – and the fifth appearance by a member of the Government discussing this issue on RN Drive over a six-week period.**

**By contrast there has been one interview about ChAFTA with a Labor spokesman over the same period.**



## Item 48

Broadcast: Tuesday, 13 October 2015

### Introduction:

*Labor has listed its demands to allow the China free trade agreement through parliament. As expected, the opposition has proposed changes to the Migration Act, which would affect all free trade deals and not require changes to the ChAFTA itself.*

*Penny Wong is the Shadow Trade Minister and she joins us now.*

### Program Summary:

Interview with Penny Wong running 12 minutes 42 seconds ( of which about 11 minutes is spent discussing the China Australia Free Trade Agreement).

Host says Government has released a statement saying it's happy to consider Labor's proposals.

Penny Wong says Labor is prepared to have a discussion in good faith with Mr. Robb but *"we are very clear that we do want proper safeguards in relation to this agreement"*.

Host says Labor has significantly diluted the language and also the scope of the changes it wants and asks Penny Wong whether she regrets the *"very tough rhetoric"* she had used.

Penny Wong doesn't accept the assertion She says that Labor has been consistent throughout that it does support free trade but it has concerns about skills assessment and labour market testing.

The host plays a 15 second clip of Trade Minister Andrew Robb:

*"The safeguards that Penny Wong and Bill Shorten talked about are in fact already clear Government policy and are embedded in the requirements by the Department of Migration."*

Penny Wong responds:

*"We want safeguards that the Parliament can see and the community can see. These are safeguards that ought to be put in legislation."*

*"Administrative guidelines the departments issue are not what I call safeguards."*

There is a further 18 second clip of Andrew Robb setting out the Government's conditions for the negotiations (which are accepted by Penny Wong) and then further discussion on the three key changes wanted by Labor: labour market testing, skills assessment and boosting the base pay under 457 Visas.

The interview concludes with discussion of a Labor frontbench re-shuffle.

**Comment:**

**This interview fairly and thoroughly explored the changes proposed by the Labor Party.**

**It was a good opportunity for Labor to argue its case - however it came at virtually the end of the four-month debate when most people would already have made up their mind on the issue.**

**The Government and the Labor Party reached agreement on additional labour market safeguards the following week.**