



**Australian
Broadcasting
Authority**

Investigation Report No. 1455

File No.	2004/1691
Licensee	Channel Seven Queensland Pty Ltd
Station	STQ
Type of Service	Commercial Broadcasting (Television)
Name of Program	<i>Seven Local News</i>
Date of Broadcast	14 July 2004
Relevant Code	Commercial Television Industry Code of Practice July 2004 – Clause 4.4.1

The complaint

The complaint concerns an item shown on the *Seven Local News* bulletin. The complainant complained that the news report was biased and that the journalist had made no effort to corroborate the contents of the news item.

The program

The news story, broadcast at 6pm by STQ in Cairns on 14 July 2004, consisted of an interview with the manager of the Weipa shopping centre, who talked about what he considered to be the impact that the Alcohol Management Plans in local Aboriginal communities were having on Weipa and the shopping centre. The television reporter conducting the interview was Mr John McKenzie, who also has his own radio program on the commercial radio service 4EL Cairns.

Assessment

The complaint has been assessed in terms of a potential breach of clause 4.4.1 of the Commercial Television Industry Code of Practice July 2004 (the code). The assessment is based on a recording of the news item and submissions made by the complainant and the licensee.

Issue : Did the licensee present news fairly and impartially?

The code relevantly provides:

- 4.4 In broadcasting news programs (including news flashes) licensees:
- 4.4.1 must present news fairly and impartially;
 - 4.4.2 ...

Complainant's submissions

The complainant submitted that the news item was biased in significant ways because:

- the reporter made no effort to provide contradictory facts, even though he had interviewed Queensland Police in Weipa on his own radio program earlier that day, who had denied that Aborigines were 'camped' outside the shopping centre and drinking
- the video footage of Aboriginal women, used in the report, showed the women sitting in a location that was obviously not in Weipa and the report gave no indication that it was file footage
- the reporter did not verify the information he presented as news
- the reporter is known for 'propounding racist views' on his radio program.

Licensee's submissions

The licensee relevantly submitted that:

- 'The segment in question is part of a series of pieces for *Seven Local News* in which a well known radio personality, Mr McKenzie, presents his thoughts on a particular issue of local interest. Mr McKenzie is extremely well known in the local area for his radio program and for his strong and sometimes controversial opinions.'
- the segment contained some commentary and analysis but the nature of the statements made, and 'Mr McKenzie's status as a well known radio presenter with strongly held points of view', mean that viewers were appropriately able to distinguish that these statements were commentary rather than factual material
- Mr McKenzie does not recall whether or not he interviewed the Queensland Police on his radio program refuting the allegations that Aborigines were camped outside the shopping centre drinking
- Mr McKenzie based his report on the information provided by the manager of the Weipa shopping centre and this was clear from the segment
- The footage of Aboriginal people used in the segment was of the Aboriginal community, Napranum, which neighbours Weipa
- The footage was file footage, not filmed for the story in question
- The material presented was accurate because the 'potential for the Alcohol Management Plans to cause displacement and other social problems such as drink driving was a widely criticised aspect of this policy (see for example the Australian Democrats press release of 23 July 2004...).'

Interpretation of the code provisions

The public relies on news (and current affairs) services to provide accurate factual information about local, national and international events. The code imposes on commercial television news a requirement that news is accurate and presented fairly and impartially.

The requirement for accuracy applies to factual content only. Expressions of opinion, implications and inferences do not constitute factual content and are not subject to the requirement for accuracy. In relation to impartiality, the ABA does not interpret the requirement so as to restrict or prohibit thorough examination of important questions.

The ABA applies the ordinary English meaning of the word ‘impartiality’ in interpreting the code. The *Macquarie Dictionary* (third edition) defines ‘impartial’ as:

adj. Not partial; unbiased; just

It defines ‘partial’ as:

adj. biased or prejudiced in favour of a person, group, side, etc., as in a controversy.

Achieving impartiality in a program therefore requires a broadcaster to choose what is to be broadcast in a way which avoids conveying a pre-judgment or giving effect to the affections or enmities of the presenter or reporter in respect of what is broadcast. The ABA considers that a program must demonstrate impartiality at all times.

In relation to previous complaints, the ABA has found that a report that presents a view that is opposed by a particular person or group is not inherently partial.¹ The ABA also has stated that whether a breach of this requirement has occurred will depend on the issue, any editorial comment, the presentation of the story, and the circumstances in which the program was prepared and broadcast.²

Finding

The ABA finds that the licensee breached clause 4.4.1 of the code by failing to present an item of news fairly and impartially.

Reasons

The news item consists of a report that alcohol bans in Aboriginal communities have led to violence, break-ins and vandalism in Weipa and raised potential health issues. Support for this view is provided by an interview with the manager of the local Weipa shopping centre, who calls for ‘a greater police presence in the shopping centre’ and offers to provide free premises to the police for that purpose. The item concludes with a comment from the reporter on the need for on-going resolve to ensure that the Alcohol Management Plans don’t lead to social disarray.

Throughout the item, footage is shown of streetscapes consisting of roads and houses, an unidentified building and, in conjunction with the allegations of vandalism creating

¹ For example, in relation to a complaint that a report about a proposal by the Israeli cabinet to expel Yasser Arafat from the Palestinian territories demonstrated partiality in favour of Israel, the ABA found that while the report did not canvass the Palestinian perspective, this did not amount to partiality (ABA Investigation No. 1273).

² ABA Investigation No. 1273.

serious health issues in the shopping centre, file footage of unidentified Aboriginal women is broadcast.

Presentation and choice of material

In reporting only one side of a controversial issue in a news bulletin, care is required in choosing what to broadcast, in order to avoid conveying a pre-judgment or an impression of favouring one side over the other.

The Alcohol Management Plans are a Queensland Government initiative, which is implemented by the Justice Group of local Aboriginal communities. They have been controversial, with a range of views expressed across the community. Those who oppose the Plans in Weipa do so on various grounds, including the ground that they have had a negative effect in Weipa as a result of people from the nearby Aboriginal community coming into the township to use alcohol. The issue appears to be a volatile one.

The licensee has acknowledged that the reporter in the segment is known for his 'strong views' and 'sometimes controversial opinions' – opinions which the complainant characterises as 'racist views'. However these views may be characterised, it appears that the reporter is well-known in the local area for expressing his personal views about controversial issues and had recently, according to the complainant, discussed the issue of the Alcohol Management Plans on his radio program. The ABA accepts the complainant's statement that this issue was discussed on Mr McKenzie's radio program.

The reporter has chosen to interview the local shopping centre manager, who also appears to be opposed to the Alcohol Management Plans, or at least what he sees as the effects of those Plans. The manager states as a fact that people (Aborigines) are congregating in the township and, in particular, creating problems for the shopping centre. However, no footage is provided at any time to substantiate this view.

The licensee has not refuted the complainant's claim that police had publicly contradicted the allegation that Aborigines were congregated around the shopping centre, including on Mr McKenzie's own radio program earlier that day, because Mr McKenzie 'does not recall' whether he interviewed the police on his program.

The unrelated footage of Aboriginal people is broadcast in conjunction with the shopping centre manager saying that 'vandalism in the shopping centre has increased creating some serious health issues in and around the shopping centre'. This use of unrelated file footage in the circumstances of the report conveys an unfairly negative impression.

No footage or other evidence of the alleged problems is presented in the report and no credible independent authority, such as the police, is interviewed, despite the claim by the reporter in the segment that 'police have today given a commitment on this issue'. The interview with the shopping centre manager, who takes the opportunity to lobby publicly for a police presence in the shopping centre itself, indicates that he has a particular interest in the issue, rather than an independent view of the matter.

While a licensee may not always be expected to provide 'substantiating footage' in relation to issues discussed in a broadcast, including sometimes controversial issues,

on this occasion the licensee chose footage that implied support for the position the segment was taking. The choice of the footage material served to create a particular impression, but did not contain any substance to support that impression.

Conclusion

A reporter who is well known for his personal views, and who presents a controversial issue as a news item which reinforces those personal views, needs to take particular care to ensure that the item does not become a means of giving effect to his own 'affections or enmities'. In this case, the choice of footage used, the choice of interviewee and the failure to broadcast any substantiating evidence of the alleged problems, combine to convey a partiality that has no place in a news item.

Action taken by the licensee

The licensee has advised the ABA, and the complainant, that training has since been conducted with the staff of *Seven Local News* which emphasised the impartiality requirement in the Code of Practice. The licensee states that the training also emphasised that particular care is required when dealing with matters that could involve negative racial stereotypes.

A copy of this investigation report will also be provided to Seven's news and current affairs management and the reporting and research staff involved in the preparation of this story.

The ABA considers these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard.

Decision

I, Andrea Malone, Acting Director Industry Performance and Review Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that Channel Seven Qld Pty Ltd in a segment of the *Seven Local News* broadcast on date 14 July 2004

- breached clause 4.4.1 of the Commercial Television Industry Code of Practice July 2004

Signed: -----

Andrea Malone

dated this day of April 2005