



**Australian
Broadcasting
Authority**

Investigation Report No. 1397

File No.	2004/0778
Broadcaster	Australian Broadcasting Corporation
Station	ABC TV
Type of Service	National Broadcaster
Name of Program	<i>Four Corners</i>
Date/s of Broadcast	16 February 2004
Relevant Legislation/Code	Clause 4.1 of the ABC Code of Practice, 2002

Investigation Conclusion

Breach of clause 4.1 of the ABC Code of Practice, 2002.

The Complaint

On 7 May 2004 the Australian Broadcasting Authority (the ABA) received a complaint regarding a *Four Corners* report broadcast by the Australian Broadcasting Corporation (ABC) on 16 February 2004.

The complainant considered that the program exhibited ‘blatant bias’¹ throughout. However, the complainant stated that he wished to ‘confine (his) complaint to the subject of the location and size of reserves that are “off-limits to loggers”’.² Accordingly, the ABA has examined compliance, by the ABC, with clause 4.1 (Accuracy) of the ABC Code of Practice 2002 (the Code). The ABA sought a tape of the relevant program segment from the ABC and comments in regard to the program’s compliance with clause 4.1 of the Code.

The Program

The *Four Corners* current affairs report entitled ‘Lords of the Forest’ reported on the forest industry in Tasmania, and claims of controversy regarding policies being applied to logging, especially in relation to the clear felling of old growth forests and wood-chipping.

Among the issues aired in the program were allegations that:

- 80% of trees harvested in Tasmania end up as woodchips;
- the Tasmanian forestry industry is wood-chipping at a rate never seen before;
- wood-chipping, as the dominant use of logging in Tasmania, was unduly influencing forest policy;
- forestry policy may be having a detrimental effect on water supply; and
- the culture of the Tasmanian forest industry and regulatory bodies is one of intimidation and lacks transparency.

In presenting these issues the program reflected the viewpoints of various groups and individuals, namely:

- Ticky Fullerton ABC Reporter
- Bill Manning Former Forest Practices Officer - Forest Practices Board
- The Hon. Bill Heffernan Liberal Party Senator for NSW
- Graham Green Spokesperson, Timber Workers for Forests
- Malcolm Ryan Burnie resident
- David Reid Farmer
- Bill Daly Break O’Day Councillor
- John Gay Managing Director, Gunns Ltd
- Paul Lennon Former Tasmanian Deputy Premier and current Premier
- Alec Marr Spokesperson, Wilderness Society
- Christine Milne Former Leader, Tasmanian Greens
- Rene Hidding Tasmanian Liberal Opposition Leader
- Evan Rolley Managing Director, Forestry Tasmania

¹ Complainant’s letter to the ABA dated 4 May 2004

² Ibid.

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- Naomi Edwards Actuary
 - Frank Strie Master Forester
 - Barry Chipman Tasmanian State Coordinator, Timber Communities
Australia

Code provision

- 4.1** Every reasonable effort must be made to ensure that the factual content of news and current affairs programs is accurate. Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances.

Interpretation of code provision

The Code imposes on ABC news and current affairs programs a requirement that every reasonable effort be made to ensure that factual content is accurate, and that demonstrable errors be corrected in a timely and suitable manner.

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.

The requirement to ensure accuracy means that every reasonable effort must be made to ensure that factual content is presented truthfully and is free from error or defect. This does not require all efforts, or unreasonably excessive efforts, to be made. It requires only those efforts which are reasonable.

In previous investigations, the ABA has stated the need to ensure that the manner in which facts are presented is not misleading. The ABA also has found that mere omission of certain facts does not automatically render a report inaccurate and does not constitute a breach of this Code requirement.

In considering questions of accuracy raised by the complainant, the ABA has had regard to:

- whether the content identified by the complainant is factual content, rather than opinion;
- whether every reasonable effort was made to ensure that the factual content was presented accurately and not in a misleading way; and
- if a factual error was made, whether every effort was made to ensure accuracy, and whether the error was promptly identified and corrected.

Assessment

Whether the broadcast met the Code requirement for accuracy?

The complainant's submission

The complainant's submission included the following:

Early in the presentation the reporter standing in a particular coupe of less than 150 ha, described it as a "vast area". Shortly afterwards a map was displayed in the program accompanied by audio statements that "outside the reserve Tasmania

was open for business” (Wood chipping) and “since then clear felling of native forest has geared up across the island East-West and South”. National Parks and State Reserves not shown on the map displayed by the ABC total some 1.14 million ha. In addition there are large areas of formal Forest Reserves situated in State Forests which are not open for logging. I suggest it would be reasonable for me to describe the National Parks State Reserves and the Forests Reserves in the East-West and South as a vast area.

The ABC in their letter to me state that “The map was over simplified during production to the point that it was misleading to viewers”. Their explanation is certainly a quaint way of avoiding an admission that the map displayed in the program showed only one reserve in the southwest and that it is not the only area closed to logging. As stated in my letter to the ABC reference to any touring map of Tasmania, even on a scale of 1 to 500 000, would show several large reserves which the reporter completely ignores with her statement that “outside the reserve (as displayed) Tasmania was open for business”. The reporter’s statement and the map displayed also completely ignore a vast area of private property where management decisions rest with the owners.³

The ABC’s submission

The ABC’s response to the ABA included the following⁴:

While acknowledging that the map itself was inaccurate, the ABC does not agree that the accompanying narration was incorrect. The narration referred to the fact that under the Regional Forestry Agreement, the Tasmanian Government had created a reserve. Outside that reserve, logging was allowed. While (the complainant’s) comments that decisions about logging on private property rest with the owners are noted, this fact does not render the ABC’s narration inaccurate. Such areas are not formally protected under the RFA.

Four Corners has published corrections⁵ to the Lords of the Forest report on its website at this link – <http://www.abc.net.au/4corners/content/2004/s1132297.htm>

The ABC has also acknowledged the errors in the program in its most recent Public Report on Audience Comments and Complaints, which can be found at – http://www.abc.net.au/corp/pubs/public_report_Jan_to_March_2004.pdf

Finding

The ABA is of the view that the broadcaster failed to present factual material accurately. Accordingly, the ABA finds that the ABC breached clause 4.1 of the Code.

Reasons

The Code requires that material that is factual must be presented accurately, that is, in conformity with the truth and free from error or defect. This does not mean that all factual material must be presented, but rather that what is presented is in itself

³ Ibid.

⁴ Letter from the ABC to the ABA dated 23 June 2004

⁵ The ABC has acknowledged three factual errors in the program, the map used to illustrate the Reserve created by the Regional Forestry Agreement was not adequately detailed to indicate all areas preserved from logging; Abel Tasman discovered Tasmania, not Van Dieman; and Huon pine is not a hardwood.

accurate and not misleading. The ABC has acknowledged that the map displayed during the report was inaccurate. The ABA, having viewed the material in context agrees that inclusion of this particular map led to an inaccurate representation of areas of Tasmanian forest in reserves.

The complainant submitted that the reporter's narration that accompanied the displayed map was also inaccurate. The ABC submitted that it did not agree that the accompanying narrative was inaccurate. The ABA is of the view that it is not particularly useful to examine the text or narration separately from the footage used. The complainant's submission refers to the use of the map and the 'accompanied... audio statements'⁶. It would appear that the inaccuracy arises from the juxtaposition of the footage and the accompanying commentary. In particular, the ABA notes the use (by the reporter) of the words, 'Outside the reserve, Tasmania was open for business...' and 'Since then, clear-felling of native forests has geared up across the island – east, west and south'.

The original map which appeared in the *Four Corners* broadcast of 16 February 2004 is reproduced below.



The relevant ABC Code requires that, 'Demonstrable errors will be corrected in a timely manner and in a form most suited to the circumstances'. In this regard, the ABC has advised the ABA that, '*Four Corners* has published corrections to the *Lords of the Forest* report on its website...and in its most recent Public Report on Audience Comments and Complaints' (Public Report)⁷. On 12 May 2004, shortly after receipt of the complaint, the ABA confirmed that corrections to the *Four Corners* report, including a map which correctly identified those areas in formal reserves, was

⁶ Complainant's letter to the ABA dated 4 May 2004.

⁷ Letter from the ABC to the ABA dated 23 June 2004

available on the ABC internet website.⁸ The revised map available on the ABC website is reproduced below.



In this regard, the ABA is satisfied that the steps taken by the ABC to correct the error complied with the ABC Code requirement at clause 4.1 to correct demonstrable errors in a timely manner.

However, the ABA was concerned as to whether a correction restricted to the *Four Corners* website and an ABC Public Report, met the Code requirement in terms of being in 'a form most suited to the circumstances'.

In this regard, the ABA considers that the most suitable place to correct a serious factual error would be at a time and in a way that ensured that as large a part as possible of the original audience would be made aware of it. In a case of a recurrent program like *Four Corners*, it may be that a more appropriate form of correction would be to mention the inaccuracy on ABC television either before, during or after a subsequent episode of the same program.

In its submission to the ABA⁹ the ABC stated that it chose to acknowledge the error on the *Four Corners*' website after consideration of the following matters:

⁸ <http://www.abc.net.au/4corners/content/2004/s1132297.htm> (accessed by ABA on 12/05/04)

⁹ Submission from the ABC to the ABA dated 1 February 2005

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- the very detailed reserves area map was more suited to being displayed on the web which would allow the true location of the reserves to be accurately and clearly represented to audiences, rather than in a quick televised graphic;
 - the *Four Corners*' website has become the authoritative reference for those interested in the program, featuring story updates, forums for audience participation, feedback from viewers and transcripts of extended interviews, which may feature only briefly in the program broadcast; and
 - the *Four Corners*' website is one of the most visited resources on ABC Online. In May 2004, when the ABA viewed the corrections on the program's website, a total of 504,855 successful page requests were recorded for the *Four Corners* site.

Having considered the ABC's reasons above, the ABA is satisfied with the corrections published on the *Four Corners*' website on this occasion.

Decision

I, Andree Wright, Director, Industry Performance and Review Branch, being the appropriate delegated officer of the Australian Broadcasting Authority, determine for the above reasons that the ABC, in relation to the broadcast of a report on *Four Corners* on 16 February 2004;

- breached clause 4.1 of the ABC Code of Practice, 2002 by failing to present factual material accurately.

Signed: -----
Andree Wright

dated this day of February 2005