

Investigation concepts

Fairness, impartiality and viewpoints

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About this paper

Section 5 of the *Broadcasting Services Act 1992* (the Act), confers on the Australian Communications and Media Authority (the ACMA) a broad range of functions and powers to be used in a manner that will:

- > produce regulatory arrangements that are stable and predictable
- > deal effectively with breaches of the rules established by the Act.

This paper is part of the ACMA's *Investigation concepts* series. It covers fairness, impartiality and viewpoints in broadcasting, and:

- > provides an overview of these subjects
- > increases general awareness of the requirements concerning fairness, impartiality and viewpoints under the broadcasting codes
- > assists broadcasters to better understand the requirements concerning fairness, impartiality and viewpoints under the broadcasting codes.

The fairness, impartiality and viewpoints provisions in each of the codes differ in their terms. The precise obligation on each broadcaster will depend on the specific terms of provisions in the applicable code.

This paper deals only with the codes. The codes do not deal generally with unlawful, unethical or distasteful journalistic practices. Nor do they deal with defamation and other laws that may give rise to personal remedies against a broadcaster for the material broadcast or the manner in which such material has been obtained.

The ACMA makes administrative decisions and is not required to treat its prior decisions as binding precedents. The outcome of any ACMA investigation of non-compliance by a broadcaster with an applicable code provision will depend on the facts and circumstances of the particular case.

Separate publications in the *Investigation concepts* series consider other requirements under broadcasting codes, such as accuracy and decency. The ACMA welcomes suggestions on topics for inclusion in the series.

Originally published in February 2015, this paper is a living document that is regularly updated. This version is current at July 2018, and includes investigations undertaken since the original paper was published.

Key terms

Term	Definition
ABC code	ABC Code of Practice 2011 (as updated from time to time and unless specific reference to a previous code)
broadcasting codes (the codes)	The codes of practice that apply to the various sectors of the broadcasting industry
commercial radio code	Commercial Radio Code of Practice 2017 ¹ (unless specific reference to a previous code)
commercial television code	Commercial Television Industry Code of Practice 2015 ² (unless specific reference to a previous code)
community radio code	Community Radio Broadcasting Codes of Practice 2008 (unless specific reference to a previous code)
community television code	Community Television Broadcasting Codes of Practice 2011 (unless specific reference to a previous code)
national broadcasters	The Australian Broadcasting Corporation (ABC) and Special Broadcasting Service (SBS)
SBS code	SBS Codes of Practice 2014 (as updated from time to time and unless specific reference to the previous code)
subscription code	Subscription Broadcast Television Codes of Practice 2013 (unless specific reference to a previous code)
the Act	<i>Broadcasting Services Act 1992</i>

¹ The current commercial radio code of practice commenced on 15 March 2017. The commercial radio case studies in this paper primarily refer to the previous codes dealing with equivalent clauses.

² The current commercial television industry code of practice commenced on 1 December 2015. The commercial television case studies in this paper primarily refer to the previous codes dealing with equivalent clauses.

1. Introduction

Broadcasting codes of practice are developed by industry and registered by the ACMA under section 123 of the Act. In the case of the national broadcasters, codes are notified to the ACMA under section 8 of the *Australian Broadcasting Corporation Act 1983* or section 10 of the *Special Broadcasting Service Act 1991*.

One of the objects of the Act is to:

... encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest ...

This object is reflected in each of the codes in various provisions.

The relevant provisions in each of the broadcasting codes are reproduced at Table 1 (see Appendix A).

The codes can also be found on the [ACMA website](#).

The ACMA may investigate when:

1. a complaint about the relevant obligation under a broadcasting code has been made to a broadcaster in accordance with the applicable code
2. the broadcaster has not responded within 60 days, or the complainant considers the broadcaster's response to be inadequate
3. a valid complaint is then made to the ACMA.

The ACMA has the discretion to investigate a complaint if it thinks that it is desirable to do so. The ACMA may also investigate a potential breach of the codes by its own motion.³

The paper deals, broadly, with fairness, impartiality and viewpoints—but these concepts rarely arise in isolation. There is also some crossover between them and the concepts discussed in the ACMA's [Investigation concepts—Accuracy paper](#); for example, the obligation to report factual material accurately can intersect with the obligation not to misrepresent viewpoints.

³ The ACMA has the power to investigate compliance with broadcasting codes of practice (see section 170 of the Act). It may commence such investigations of its own volition, at the request of the minister (section 171 of the Act) or, where it thinks it desirable, in response to complaints (sections 149 and 151 of the Act).

1.1 General observations

In assessing content against the codes, the ACMA considers the meaning conveyed by the relevant material. This is assessed according to the understanding of an ‘ordinary reasonable’ viewer or listener.⁴

The ordinary reasonable viewer or listener

Australian courts have considered an ‘ordinary reasonable’ viewer or listener to be:

A person of fair average intelligence, who is neither perverse, nor morbid or suspicious of mind, nor avid for scandal. That person does not live in an ivory tower, but can and does read between the lines in the light of that person’s general knowledge and experience of worldly affairs.

The ACMA considers the natural, ordinary meaning of the language, context, tenor, tone, images and any inferences that may be drawn. In the case of factual material which is presented, the ACMA will also consider relevant omissions (if any).

The ACMA investigates only content that has been broadcast. The requirements concerning fairness, impartiality and viewpoints in each of the broadcasting codes differ in their terms. The precise requirements for broadcasters in any case will depend on the terms of the applicable code provision(s).

1.2 Program type—the different obligations

Impartiality, fairness and viewpoints requirements apply to:

> **Commercial television:**

- > news and current affairs—clause 3.3.1, commercial television code (ensure viewpoints included are not misrepresented)
- > news—clause 3.4.1, commercial television code (present news fairly and impartially).

> **Commercial radio:**

- > news—clause 3.1.1, commercial radio code (use reasonable efforts to present news impartially)
- > current affairs—clause 3.2.3, commercial radio code (use reasonable efforts to ensure viewpoints are not misrepresented)
- > current affairs—clause 3.9, commercial radio code (provide reasonable opportunities for significant alternative viewpoints on controversial issues of public importance).

> **ABC television and radio:**

- > news and information—Part IV, section 4 of the ABC code (principles and standards on impartiality and diversity of perspectives).

> **SBS:**

- > news and current affairs—section 2.2, SBS code (balance and impartiality).

⁴ This approach was affirmed in the Federal Court—see *Channel Seven Perth Pty Limited v Australian Communications and Media Authority* [2014] FCA 669.

- > **Subscription broadcast television:**
 - > news, current affairs programs and news updates—code 2.2(a)(i), subscription code (present news fairly and impartially).
- > **Community television:**
 - > news and current affairs—code 3.11, community television code (clearly distinguish the reporting of factual material from commentary and analysis and represent viewpoints fairly, not misrepresenting by giving misleading emphasis, editing out of context or withholding relevant facts).
- > **Community radio:**
 - > news and current affairs—code 3.6, community radio code (clearly distinguish factual material from commentary and analysis, represent viewpoints fairly without having a misleading emphasis, editing out of context or withholding relevant and available material).

1.3 Investigation approach

Although the specific obligations in the various codes differ, all of the codes promote accuracy and fairness in news and current affairs programs.⁵

News programs will occasionally involve the presentation of viewpoints. Current affairs programs frequently tend to involve the presentation of viewpoints. Where viewpoints are expressed, the codes include various requirements. For example:

- > commercial television news and current affairs programs or promotions—ensure viewpoints are not misrepresented⁶
- > commercial radio current affairs programs—use reasonable efforts to ensure viewpoints are not misrepresented and provide reasonable opportunities for significant alternative viewpoints on controversial issues of public importance⁷
- > ABC—do not misrepresent any perspective⁸
- > community radio—represent viewpoints fairly without a misleading emphasis, editing out of context or withholding relevant and available material⁹
- > community television—represent viewpoints fairly, not misrepresenting a viewpoint by giving misleading emphasis, editing out of context or withholding relevant available facts.

In most codes, news programs (as distinct from current affairs programs) are subject to an additional requirement of impartiality.

This paper draws together the approaches adopted by the ACMA and its predecessor, the Australian Broadcasting Authority (the ABA), to these concepts. It begins by

⁵ See, for example, section 8(1)(c) of the *Australian Broadcasting Corporation Act 1983* and code 3 of the community television code.

⁶ Commercial television code clauses 3.3.1 and 3.4.1.

⁷ Commercial radio code 3.9.

⁸ ABC code Standard 4.4.

⁹ Community radio code 3.6(e)

examining 'viewpoints' and the obligations when presenting them, and then moves through the concepts of impartiality and fairness.¹⁰

¹⁰ The ABC code includes a separate 'Resolved Complaints' section (section III of the ABC code) that applies to any complaint for which the ABC has, prior to the complaint being made to the ACMA, taken steps that were adequate or appropriate in all the circumstances to redress the cause of the complaint.

2. Viewpoints

2.1 Definition

The ACMA distinguishes a viewpoint from an observation or comment. Viewpoint has been defined as a ‘point of view’ or ‘attitude of mind’, and ‘attitude’ as a ‘position, disposition or manner with regard to a person or thing’.¹¹ Viewpoints are not observations or comments.

In [Investigation Report 2329 \(Today Tonight\)](#), the ACMA concluded that the statement ‘But it’s only when our spiker leaves the table that she has the courage to dob him in’ did not represent the person’s viewpoint (that is, the ‘she’ in the quoted statement). Rather, it was an observation or comment by the reporter that the ordinary reasonable viewer would have understood may or may not have been correct. The ACMA concluded:

[...] in order for the statement to be construed as a representation of the complainant’s viewpoint the reporter would have needed to make a more direct or definite statement about the complainant’s attitude of mind than he did. In the context of the segment, the statement was made as a part of a sequence of comments by the reporter that appeared to be based on the reporter’s understanding of what he was observing. Accordingly the statement is more accurately characterised as an observation or comment on the part of the reporter [...]

The ACMA observed that the practice of making unsubstantiated observations about a person’s character can cause distress to that person. Better practice should be to refrain from making unsubstantiated and gratuitous character observations or to broadcast the person’s viewpoint directly.

Standard 4.2 of the ABC code requires the ABC to:

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.

The ACMA treats the terms ‘viewpoint’ and ‘perspective’ as synonyms. For example, in [Investigation Report 2446 \(PM\)](#), when considering the application of this standard in the ABC code and the presentation of perspectives, the ACMA stated a ‘viewpoint generally contains subjective elements, and is inherently contestable in nature ...’

2.2 Context

In [Investigation Report 2446 \(PM\)](#), the ACMA stated that its initial inquiry is to consider what the ordinary reasonable listener would have understood the context of the segment to have been. That broadcast reported on the findings of a particular scientific study (mortality rates for women in mammogram screening programs as compared with women who were not screened). There, the ACMA said:

It is considered that the ordinary reasonable viewer would have understood the purpose of the segment to be to convey findings of a particular scientific study into the correlation between mammography screening and mortality rates and to discuss participation by Australian women in screening. The ordinary reasonable listener would not have understood the purpose of this report to be to present a viewpoint in the broader debate or discussion on the benefits of mammography.

¹¹ These definitions from the *Macquarie Dictionary*, fifth edition, were adopted by the ACMA in [Investigation Report 2329 \(Today Tonight\)](#).

In the same investigation, the ACMA held that a principal relevant viewpoint must be considered in relation to the scope and main thrust of the particular program.

2.3 Material misrepresentation of viewpoints

In [Investigation Report BI-211 \(*The Project*\)](#), the ACMA considered whether an interviewee's viewpoint had been materially misrepresented for the purposes of clause 3.3.1 of the commercial television code by the manner in which the interview had been edited. The interviewee's answer to some questions had been presented as being the answer to other related questions. The ACMA found:

In the ACMA's view, the broadcast interview was not edited in such a way as to materially misrepresent Mr Moder's viewpoints about the 'anomalies' and 'discrepancies' concerning these events.

The material broadcast did not provide an incorrect impression or emphasis of Mr Moder's views in response to the questions and opinions expressed by the hosts. The omissions did not result in a material misrepresentation of the viewpoints broadcast. The footage was not edited for false effect.

Relevant investigations



ACMA investigation reports [2329](#), [2446](#), [BI-211](#)

3. Balance

3.1 Balance

The concept of balance has been addressed explicitly only in the codes of the two national broadcasters.

Currently, the SBS code provides for reasonable effort to be made to ensure that news and current affairs programs are balanced (and impartial).¹²

The ABC code has shifted over time, decreasing its emphasis on balance while maintaining its emphasis on impartiality. This can be seen from the changes that have occurred since 2002.

ABC Code of Practice 2002 and 2004 provided in clause 4.2:

Every reasonable effort must be made to ensure that programs are balanced and impartial. The commitment to balance and impartiality requires that editorial staff present a wide range of perspectives and not unduly favour one over the others. But it does not require them to be unquestioning, nor to give all sides of an issue the same amount of time.

and in **clause 4.3:**

Balance will be sought through the presentation, as far as possible, of principal relevant viewpoints on matters of importance. This requirement may not always be reached within a single program or news bulletin but will be achieved as soon as possible.

ABC Code of Practice 2007 provided in clause 3.4:

Content will be impartial. Editorial judgments will be based on news values. One perspective will not be unduly favoured over others

and in **clause 3.5:**

Balance will be sought but may not always be achieved within a single program or publication; it will be achieved as soon as reasonably practicable and in an appropriate manner. It is not essential to give all sides equal time. As far as possible, principal relevant views on matters of importance will be presented.

ABC Code of Practice 2011 (revised in 2016) provides in standard 4.1:

Gather and present news and information with due impartiality.

and in **standard 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.

The ABC code provides that its standards must be interpreted and applied in accordance with the principles relating to each section. The (current) relevant principles for the impartiality standard state:

In [applying its impartiality standard as objectively as possible], the ABC is guided by these hallmarks of impartiality:

- > a balance that follows the weight of evidence [...]

¹²Clause 2.2 of the SBS code.

Balance and impartiality are different concepts. The requirement for balance essentially concerns *what* is presented (for example, a range of viewpoints), whereas impartiality essentially concerns *how* it is presented (for example, without prejudice or in a way that follows the weight of evidence).

The ACMA made these observations about balance in [investigation reports 1418 and 1474 \(Four Corners\)](#) with respect to the 2002 ABC code:

In a current affairs program where complex issues are explored, it is legitimate for the reporter to present a range of views supporting a particular perspective before exploring the counter view. It is not necessary for the reporter to present all possible views on a particular issue. The issue under the Code is whether the program as a whole is balanced and presents 'principal relevant viewpoints on matters of importance'.

[Investigation Report 2122 \(World News Australia\)](#) found that SBS will be deemed to have complied with balance requirements where the views represented are of a wide range and significant. Wide is defined as 'of great range or scope; embracing a great number or variety of subjects'; significant is defined as 'important; of consequence'.

In [Investigation Report 2182 \(Tamil Language Program\)](#), the ACMA agreed with the SBS Ombudsman's finding that SBS had breached the balance requirement by failing to seek a balancing response to serious allegations made by a person against the Sri Lankan Government. See also [Investigation Report 3155 \(Sinhalese Language Program\)](#).

Program as a whole

The ACMA considers the issue of balance over the program as a whole, rather than assessing complaints of imbalance in particular segments of the program individually. In [Investigation Reports 1418 and 1474 \(Four Corners\)](#), the ACMA said:

The ACMA has considered the issue of balance over the program as a whole, rather than assessing each complaint individually [...] The issue under the Code is whether the program as a whole is balanced and presents 'principal relevant viewpoints on matters of importance'.

The issue of what constitutes a 'principal relevant viewpoint' and a 'matter of importance' must be considered in relation to the scope and main thrust of the particular program. In [Investigation Report 2126 \(ABC National News\)](#), the ACMA made its decision 'in the context of the dominant narrative of the news item'.

Relevant investigations



ACMA investigation reports [1418 and 1474](#), [2122](#), [2182](#), [3155](#), [2126](#)

3.2 Principal relevant viewpoints

A broadcast will be 'balanced' if, as far as possible, principal relevant viewpoints on matters of importance are presented. In [investigation reports 1418 and 1474 \(Four Corners\)](#), the ACMA observed that:

Achieving balance in news and current affairs programs requires that the principal relevant perspectives on an issue be presented. However, the requirement does not impose an obligation to provide equal time to all participants. In previous investigations related to this requirement of the Code, the ACMA has decided that balance can be achieved by the presentation of countervailing viewpoints in different programs, even though one report or program may promote a particular point of view.

[Investigation Report 1630 \(*The Science Show*\)](#) clarified the meaning of ‘principal relevant viewpoint’ and the circumstances in which a viewpoint is presented:

Although the program purported to be about the experiences of whistle-blowers, part of the exploration of this issue included detailed references to the allegations made against the complainant and the subsequent inquiries. Approximately five minutes of the 15-minute segment on the UNSW case involved a discussion of the inquiries into the complainant’s conduct. As noted in the program, different views exist in the scientific community about the matter, and the end result is unclear to the public. In this respect, the ACMA considers that it was appropriate for the ABC, as far as possible, to present the viewpoint of the complainant. To this end, the program did state: ‘(The complainant) has strenuously denied the allegations’. However, this was insufficient to meet the test of making every reasonable effort to present a principal relevant viewpoint on a matter of importance in this particular case. This is because every reasonable effort was not made to obtain the current viewpoint of the complainant.

In [Investigation Report 2198 \(*Tamil Language Program*\)](#), the authenticity of a video was in issue. The ACMA noted that SBS had included four commentators, who examined the issue of the video from different viewpoints (human rights, legal/academic, Australian Tamil community and the Sri Lankan Government). Importantly, the program included one commentator’s opinion that the video was a ‘set-up’ and had been ‘done deliberately in order to garner international sympathy, and for propaganda purposes’. The ACMA concluded that the range and nature of the viewpoints presented was adequate to meet the requirement for balance.

In [Investigation Report 2883 \(*WIN News*\)](#), the ACMA considered a news report warning viewers about an outbreak of measles in the region and reporting medical advice to ensure that vaccinations were up-to-date. In this context, the ACMA observed there was no provision in the commercial television code obliging the licensee to include an anti-vaccination viewpoint to ‘balance’ the advice of the medical community.

Imbalance may result from presenting as undisputed fact a matter of importance when there is more than one perspective. In [Investigation Report 2429 \(*The 7.30 Report*\)](#), the ACMA found the ABC in breach of the balance obligation in the (2007) ABC code:

The expectation, in this context, is that the first report would have made a reference to the opposing assertion or the opposing evidence presented at the hearing.

The issue of presenting disputed or contested facts arises more frequently in the context of the accuracy obligations discussed in the ACMA’s [Investigation concepts—Accuracy](#) paper.

Relevant investigations



ACMA investigation reports [1418 and 1474](#), [1630](#), [2883](#), [2429](#), [2198](#)

3.3 False balance

As discussed in the context of accuracy obligations in the *Accuracy* paper, the overall presentation of a program can portray false balance by elevating one viewpoint in such a way that the ordinary reasonable viewer can be misled.

In [Investigation Report 2883 \(WIN News\)](#), during a report on a measles outbreak that included the perspective of an anti-vaccination group, the ACMA said.¹³

The complainants are concerned that the program portrayed what they describe as ‘false balance’ by elevating [the comments of the anti-vaccination campaigner] in such a way that the ordinary reasonable viewer would have been misled as to the true position on the safety of immunisation.

‘False balance’ is not an issue explicitly dealt with in the Code. The licensee’s submission that the ‘balance’ in the program was one of its virtues perhaps suggest that the construction of the program was conceived in terms of its obligation under Code 4.4 to present news fairly and impartially [...]

For abundant clarity, the ACMA notes that in the context of a news report:

- > warning viewers about an outbreak of measles in the region; and
- > reporting medical advice to ensure that vaccinations are up to date,

nothing in the Code obliged the licensee to include an anti-vaccination position to ‘balance’ the advice of the medical community.

The ACMA considers clause 3.3.1 may be relevant if, in attempting to provide ‘balance’ in news programs, the commercial television licensee causes an ordinary reasonable viewer to be misled about a material factual issue.

The ABC has previously submitted to the ACMA that it strives for a balance that follows the weight of evidence, for example, in [Investigation Report 2595 \(The Science Show\)](#):

Over-attention to views which have little support within the scientific community creates a ‘false balance’, which can undermine impartiality and damage trust.

The ACMA notes that the current ABC code includes a concept of false balance as one of its principles in the context of impartiality, by referring to a balance that follows the weight of evidence.

Relevant investigations



ACMA investigation reports [2883](#), [2595](#)

¹³ As noted above, the ACMA did not investigate the program under balance or impartiality code provisions; rather, it was considered under factual accuracy code provisions.

4. Diversity of viewpoints

4.1 Introduction

Diversity of viewpoints is a concept relevant to the national broadcaster codes.

- > The ABC code requires the ABC (in standard 4.2) when presenting news and information, to:

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.

- > The SBS code (clause 2.2) requires SBS:

[...] to present – over time and across the schedule of content broadcast or published on the relevant service [...] – a wide range of significant views, not misrepresenting them or unduly favouring one over another.

4.2 Diversity of viewpoints over time

The ABC code summarises why such a requirement is appropriate for a national broadcaster:

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 [...] the ABC is guided by these hallmarks of impartiality [...] 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.

[Investigation Report 2595 \(The Science Show\)](#) considered the equivalent provision in an earlier ABC code.¹⁴ In this matter, the ABC submitted that the impartiality requirement is only invoked if a perspective has been conveyed. The ABC submitted that the broadcast was an explanation of ‘some complex concepts and the conclusions drawn from scientific research’ and did not advocate a viewpoint. Consequently, it contended, the broadcast did not necessitate the airing of alternative perspectives.

The ACMA rejected the ABC’s interpretation of the code and said:

The ACMA does not accept the ABC’s interpretation of clause 5.2. The threshold test required by clause 5.2 is to establish that a broadcast includes ‘topical and factual content’ which deals with matters of ‘contention and public debate’. The clause does not require that a perspective must first be identified before invoking the obligation to demonstrate a diversity of principal relevant perspectives.

In this regard, the ACMA notes that the ABC acknowledged that the broadcast was factual and that climate change is ‘somewhat contentious’. The ACMA considers that the program reported factually on the release of a document which sets out evidence of climate change in the earth’s history and supports the view that greenhouse gas emissions from human activities are the likely cause of recent climate change. It is also

¹⁴ Clause 5.2 of the 2007 ABC codes provided:

The ABC is committed to impartiality: where topical and factual content deals with matters of contention or public debate, a diversity of principal relevant perspectives should be demonstrated across a network or platform in an appropriate timeframe.

considered that climate change is a highly topical issue of contention and public debate.

Accordingly, the ACMA is satisfied that the relevant broadcast dealt with a matter of contention or public debate and that the requirement of clause 5.2 of the Code that a 'diversity of principal relevant perspectives should be demonstrated across a network or platform in an appropriate timeframe' is therefore applicable.

The ACMA investigation concluded that a diversity of perspectives on this issue had been presented over time.

In [Investigation Report 2855 \(Catalyst\)](#), the ACMA highlighted the context of the program and its relevance to the diversity of viewpoints obligation. In a science program that dealt with scientific facts about vaccination and herd immunity, the ACMA concluded that the ABC was not required to present alternative views from natural therapy organisations outside the medical and scientific community:

It was appropriate to constrain the perspectives presented in the segment to public health professionals, medical doctors and researchers, and individuals who had contracted vaccine preventable diseases and their families [...] Notwithstanding that, the ACMA considers that the inclusion of statements in the program expressing views against vaccination adequately conveyed to the audience that the subject is contentious [...] Having regard to the weight of evidence presented in the segment and the body of scientific evidence regarding the low risk of side effects from vaccines, the ACMA is satisfied that the broadcaster presented information with due impartiality and, in the context of a science program, appropriately presented a diversity of perspectives in the segment.

Relevant investigations



ACMA investigation reports [2595](#), [2855](#)

5. Presentation of significant alternative viewpoints—radio

5.1 Introduction

Clause 3.9 of the commercial radio code provides:

Current Affairs Programs are not required to be impartial and may take a particular stance on issues. However, a Licensee must provide reasonable opportunities for significant alternative viewpoints to be presented when dealing with controversial issues of public importance, while the issue has immediate relevance to the community.

Footnote:

For the purposes of this provision, ‘reasonable opportunities’ can be accommodated within the same Program or a similar Program. The requirement does not impose an obligation on Licensees to allocate equal time to different points of view, nor to broadcast all viewpoints expressed to it.

This provision involves consideration of the following issues:

- > the nature of current affairs programs
- > what is a significant alternative viewpoint?
- > what is a controversial issue of public importance?
- > what amounts to reasonable opportunities?
- > what is a similar program?

5.2 Current affairs programs on radio

‘Current affairs program’ is defined in the commercial radio code as:

A program the predominant purpose of which is to provide interviews, analysis, commentary or discussion, including open-line discussion with listeners, about current social, economic or political issues.

The ACMA recognises the realities of the live broadcasting environment and considers code requirements in that context (see [Investigation Report 2540, *The Alan Jones Breakfast Show*](#)).

The ACMA also recognises that the talkback format frequently approaches matters from a strong viewpoint and understands this is part of the inherent appeal of such programs to their listeners. Indeed, it is legitimate for a licensee to have programs in its line-up that vigorously prosecute a particular viewpoint or adopt a clearly identifiable perspective, such as [investigation reports 2597, 2614 and 2636 \(*The Alan Jones Breakfast Show*\)](#), and that include strongly held opinions expressed in colourful language, for example, in [Investigation Report 2540 \(*The Alan Jones Breakfast Show*\)](#).

Where a licensee broadcasts current affairs programs that largely or exclusively prosecute a single viewpoint on controversial issues of public importance, it is up to the licensee to find appropriate ways to ensure that the obligations set out in clause 3.9 are met (see [investigation reports 2597, 2614 and 2636, *The Alan Jones Breakfast Show*](#)).

The requirement in clause 3.9 is imposed on a licensee, not a particular presenter or program—(see [investigation reports 2947 and 2960, *The Alan Jones Breakfast Show*](#)).

Whether the opportunities given are reasonable will depend on the particular facts and circumstances of the case.

Relevant investigations



ACMA investigation reports [2540](#), [2597](#), [2614](#) and [2636](#), [2947](#), [2960](#)

5.3 Significant alternative viewpoints

The obligation in clause 3.9 refers to 'significant alternative viewpoints'.

Viewpoint is discussed above and is defined in the *Macquarie Dictionary* as a point of view or an attitude of mind, as shown in [investigation reports 2597, 2614 and 2636 \(The Alan Jones Breakfast Show\)](#). Whether a viewpoint is significant is assessed on a case-by-case basis. The ACMA considers that a significant alternative viewpoint is one capable of materially contributing to listener understanding of the controversial issue and views held on it.

To satisfy the code, a licensee must provide reasonable opportunities for more than one significant alternative viewpoint to be presented.

The ACMA acknowledges that clause 3.9 does not impose an obligation of balance on commercial radio licensees. [Investigation Report 2962 \(The Alan Jones Breakfast Show\)](#), which considered the equivalent provision in an earlier commercial radio code¹⁵, observed that clause 2.3(b) 'permits a licensee overwhelmingly, although not exclusively, to emphasise one significant viewpoint in its broadcast schedule' (see also [investigation reports 2597, 2614 and 2636, The Alan Jones Breakfast Show](#)). This observation would also apply in relation to the current clause 3.9.

A viewpoint is not significant merely by virtue of the role of the person who holds the view. In [investigation reports 2597, 2614 and 2636 \(The Alan Jones Breakfast Show\)](#), the ACMA did not accept that the viewpoints of two professors and the Finance Minister were significant merely because of their roles.

In the same investigation, it was stated that viewpoints must be presented, not just alluded to. Further, a talkback host can comment on the viewpoints presented or state that he or she disagrees with another significant viewpoint, provided it has been presented. Of the talkback format, the ACMA said:

The talkback format frequently approaches matters from a strong viewpoint – indeed it might be said that it is an important part of the appeal or value of such programs to their listeners and in the broader context of public discourse. It is important to note in this context that the ACMA acknowledges the codes do not impose an obligation of balance.

Indeed the ACMA notes that the clause, as it is currently drafted, permits a licensee to overwhelmingly although not exclusively, emphasise one significant viewpoint in its broadcast schedule.

¹⁵ Code 2.3(b) of the 2013 commercial radio code provided:

In the preparation and presentation of current affairs programs a licensee must ensure that [...] reasonable efforts are made or reasonable opportunities are given to present significant viewpoints when dealing with controversial issues of public importance, either within the same program or similar programs, while the issue has immediate relevance to the community;

In part, for these reasons, the ACMA regards (the relevant code provision) as a central safeguard in promoting the stated and important object of (the relevant code provision) namely, 'to promote accuracy and fairness in news and current affairs programs'.

Thus to the extent that the licensee broadcasts current affairs programs that largely or exclusively prosecute a single viewpoint on controversial issues of public importance, it is important that it finds appropriate ways of ensuring that the obligations expressed (in the relevant code provision) are met having regard to the object of the codes. To the extent the codes use the appropriately flexible benchmark of reasonableness, it must be applied having regard to the intended outcome of the codes. It is for the licensee to find appropriate ways of ensuring that the obligation is met.

[Investigation Report 2962 \(*The Alan Jones Breakfast Show*\)](#) is an example of where the presenter allowed a person an opportunity to convey their viewpoint clearly and at length. In that instance, the ACMA was satisfied that:

X was given a fair opportunity by the licensee to express his viewpoint sufficiently clearly.

Relevant investigations



ACMA investigation reports [2597, 2614 and 2636, 2962](#)

5.4 Controversial issues of public importance

The scope of any controversial issue with immediate relevance to the community will depend on how it is perceived, including how the issue and significant opinions on it are presented, and whether 'continuity' is apparent between programs and segments. Examples include:

- > The ACMA determined the controversial issue was the government's proposal to introduce the carbon tax, rather than climate change science (see [investigation reports 2597, 2614 and 2636, *The Alan Jones Breakfast Show*](#)).
- > The ACMA determined the ambit of the controversial issue to be the operation and administration of the native vegetation laws in NSW, rather than land clearing by Australian farmers (see [Investigation Report 2540, *The Alan Jones Breakfast Show*](#)).

Relevant investigations



ACMA investigation reports [2597, 2614 and 2636, 2540](#)

5.5 Reasonable opportunities given

The 'reasonable opportunities given' obligation may be demonstrated by the opportunities the licensee has created for third parties to articulate significant alternative viewpoints. In [Investigation Report 2540 \(*The Alan Jones Breakfast Show*\)](#), the ACMA gave the following examples of opportunities the licensee might give:

- > responding to a particular person's contact by distilling and presenting their different viewpoint
- > interviewing such a person
- > putting a particular talkback caller on air
- > providing talkback opportunities for callers to articulate significant viewpoints.

Whether any one or more of these opportunities is 'reasonable', however, will depend on matters such as the nature of the segment and the way in which the controversial issue and viewpoint arise.

In [Investigation Report 2540 \(The Alan Jones Breakfast Show\)](#), where the segment had been researched and pre-produced, the ACMA said:

In this case the claimed opportunity to 'phone in' cannot be characterised as 'reasonable' when set against the backdrop of pre-production that characterised the segments. Such opportunities may be appropriate when the controversial issues [...] are raised spontaneously by another caller, although this will be a matter to be considered on a case-by-case basis. However, in this program the strong editorial opinions expressed by X formed a key element of the program in respect of which research had been conducted and interviews pre-arranged.

5.6 Similar program

A similar program may include other talkback programs on the same radio station, provided the issue still has immediate relevance to the community, for example, [investigation reports 2597, 2614 and 2636 \(The Alan Jones Breakfast Show\)](#) and [investigation reports 2947 and 2960 \(The Alan Jones Breakfast Show\)](#).

Relevant investigations



ACMA investigation reports [2540](#), [2597](#), [2614 and 2636](#), [2947 and 2960](#)

6. Impartiality and fairness

6.1 Introduction

Impartiality and fairness are overlapping concepts.

The *Macquarie Dictionary*, fifth edition (cited in several commercial television investigations in this context), relevantly defines these and related terms as:¹⁶

Fairly *verb* 1. in a fair manner; justly; impartially

Fair *adjective* 1. free from bias, dishonesty, or injustice; a fair decision; a fair judge

Impartial *adjective* not partial; unbiased; just

Partial *adjective* 5. Biased or prejudiced in favour of a person, group, side, etc.

Bias *noun* 2. a particular tendency or inclination, especially one which prevents unprejudiced consideration of a question.

The ABC code contains principles intended to guide the interpretation and application of the impartiality standards in that code.¹⁷ These include the ABC's 'hallmarks of impartiality', which are:

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

Under the broad rubric of 'Impartiality and diversity of perspectives', the ABC code—in addition to the requirement that news and information is 'gathered with due impartiality'—also has requirements to¹⁸:

- > present a diversity of perspectives so that, over time, no significant strand of thought or belief is knowingly excluded or disproportionately represented
- > not to state or imply that any perspective is the editorial opinion of the ABC
- > not to misrepresent any perspective
- > not to unduly favour one perspective over another.¹⁹

The commercial television code applies to news programs. It requires news to be presented fairly *and* impartially and that factual material be clearly distinguished from commentary and analysis.²⁰ Investigations into compliance by commercial television broadcasters have tended to deal with these requirements as a composite.

The commercial radio code requires that licensees use reasonable efforts to present news impartially. This requirement was introduced in 2017 to the current code. In

¹⁶ See, for example, [Investigation Report 2573 \(Channel Seven News\)](#) and [investigation reports 1922 and 1953 \(Ten News at Five\)](#).

¹⁷ Standard 4, Impartiality and diversity of perspectives of the ABC code.

¹⁸ Standards 4.2 to 4.5 of the ABC code.

¹⁹ In relation to impartiality, successive ABC codes have moved from requiring 'every reasonable effort' to ensure impartiality to a requirement to 'gather and present news and information with due impartiality'.

²⁰ Clause 3.4.1 of the commercial television code.

previous commercial radio codes, there was no requirement for news to be presented impartially.

SBS requires that 'reasonable effort' should be made to ensure news and current affairs content is 'balanced and impartial, having regard to the circumstances at the time of reporting and broadcasting or publishing, the nature and immediacy of the material being reported, and public interest considerations'.²¹

The subscription broadcasting code requires that news and current affairs programs are presented accurately, fairly and impartially.²²

The community radio and television codes do not include direct equivalents. Both codes include requirements to represent viewpoints fairly, and to not misrepresent viewpoints by giving misleading emphasis, editing out of context or withholding relevant or available material.²³

6.2 Assessing impartiality and fairness

6.2.1 Contextual considerations and the ordinary reasonable viewer

The ACMA has regard to what an ordinary reasonable viewer/listener would have understood the program to have conveyed (see [investigation reports 1418 and 1474, Four Corners](#)).

The ACMA has also made the following observations about ordinary reasonable viewers' expectations of particular programs:

- > *Media Watch* is a program that routinely calls into question the actions of the media and journalists. The ordinary reasonable viewer would be cognisant of this fact and would set their expectations accordingly (see [Investigation Report 2730, Media Watch](#)).
- > Viewers of *7.30* would be familiar with a presenter's presentation style and may expect them to conduct probing interviews, particularly when dealing with a significant and experienced politician (see [Investigation Report 2872, 7.30](#)).
- > *ABC News Breakfast* provides news, analysis, interviews and discussions of current affairs. Viewers would expect the program's presenters to be questioning and, at times, sceptical in their engagement with guests (see [Investigation Report 3158, ABC News Breakfast](#)).

The ABC code expressly highlights the importance of viewers making up their own minds about issues in the context of impartiality:

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.

6.2.2 Factors relevant to reporter/presenter attitude or demeanour

In practice, any assessment of impartiality often involves close consideration of the attitudes of presenters and reporters, and the extent to which they convey prejudice.

²¹ Section 2.2 of the SBS code.

²² Section 2.2(a)(i) of the subscription broadcasting code.

²³ Section 3.11 of the community television codes and section 3.6 (e) of the community radio codes. The requirements to represent viewpoints fairly is covered in Chapter 7.

Prejudgement

In [Investigation Report BI-305 \(ABC News\)](#), the ACMA found that language used by the news presenter and reporter, such as ‘the secret life’ and ‘wealth hid a more sinister life’, conveyed a prejudgement. The ACMA said:

... particular care should have been taken not to allow the personal judgements of the reporter to affect the balance of the report, especially considering that the allegations were so very serious and remained untested by the courts.

On the other hand, where issues highlighted in a particular story are ‘newsworthy’, the ACMA has accepted that the emphasis on them are not a reflection of the reporter’s own personal affections or enmities. For example, in [Investigation Report 2239 \(Dateline\)](#), the ACMA said:

The issues highlighted in the story were newsworthy and accordingly the emphasis on them was not a reflection of the reporter’s own personal affections or enmities. Further the treatment of these issues did not evince pre-judgment, but rather provided sufficient material in terms of information and viewpoints for viewers to make up their own minds on the issues raised.

Analysis and opinion in the news

In [Investigation Report 346 \(Ten Eyewitness News\)](#) the ACMA noted that the commercial television code does not prohibit commentary and analysis in news, only that it should be clearly distinguished from factual material.

Under the ABC code, news reporting can involve professional judgement or analysis, without amounting to a lack of fairness or impartiality. In [Investigation Report BI-347 \(ABC News\)](#) the ACMA considered the difference between factual reporting, analysis and opinion in the news.

Style and choice of language and tone

Reporters and presenters can and do play a key role in setting the tone of a program through their style and choice of language. The manner in which a presenter delivers a report can influence the conclusions that an ordinary, reasonable viewer draws from the broadcast, as in, for example, [Investigation Report 2855 \(Catalyst\)](#), and [Investigation Report 2872 \(7.30\)](#).

The nature of current affairs reporting requires reporters and presenters to be probing and, at times, sceptical in their analysis of important issues. It is appropriate for a current affairs program to explore controversial issues. The canvassing of these issues must be fair in the context of the program and not deliberately attempt to portray the subject in a negative light (see [investigation reports 1418 and 1474, Four Corners](#)).

In [Investigation Report 1943 \(Channel Seven News\)](#), the ACMA observed that:

[...] it is legitimate for a licensee to investigate and report on matters of public interest and concern including situations where this may raise negative - and indeed strongly negative - issues concerning a group of persons who share a particular national, ethnic origin or race. However, the ACMA considers that care in framing is important, particularly where a licensee makes strong claims in relation to potentially sensitive matters.

Programs are entitled to take a critical stance on various issues or controversies. What is important is that material be presented in a manner that avoids conveying a prejudgement or giving effect to the affections or enmities of the presenter about what is broadcast. In [Investigation Report 2872 \(7.30\)](#), the ACMA noted that:

[...] the nature of current affairs reporting can require presenters to be questioning, and at times sceptical in their analysis of issues. However, the presenter’s open-

mindedness and willingness to include alternative perspectives without prejudgement will be relevant to the question of impartiality.

The ACMA reviews the language over the program as a whole, rather than undertaking a line-by-line analysis of each statement in the program. Examples include:

- > Reviewing the overall presentation of the piece, as opposed to a line-by-line analysis, it would have been clear to the viewer that the matter was the subject of court proceedings and that elements of the case brought were disputed by the doctor and the hospital(see [Investigation Report 2429, The 7.30 Report](#)).
- > The title of a program—*Lords of the Forests*—as well as the strong opening statement ‘... the fate of a national asset ... now in the hands of an industry that is self-regulated, self-serving and unaccountable’ was found to convey an anti-forestry industry perspective, notwithstanding the subsequent presentation in the program of alternative perspectives(see [investigation reports 1418 and 1474, Four Corners](#)).
- > Emotive language such as ‘aggressive forest policy’, ‘voracious appetite for timber’, ‘indiscriminate blades of the wood chipper’, and ‘turning forest giants into woodchips’ within the first 10 minutes of the program, combined with the statement ‘... x would have you believe’, indicated that the reporter was not willing to believe his subject had preconceived views about his claims, and carried negative connotations against the forestry industry(see [investigation reports 1418 and 1474, Four Corners](#)).
- > The term ‘soap opera’, which was applied to politician X and/or his activities, had a disparaging force, particularly as it occurred in the opening question of the interview and twice more in the broadcast(see [Investigation Report 2582, Breakfast](#)).
- > The opening of a broadcast included references to businesses demanding protection from Sudanese gangs and linked the ‘terrorising’ of shopkeepers with the federal government’s decision to reduce the African refugee intake. The general theme and strong tone from the opening continued throughout the broadcast(see [Investigation Report 1952, National Nine News](#)).
- > The phrase ‘Now I’m not here to mince words. Vaccines do work’ outlined the presenter’s position on vaccines but was reasonably supported by the information presented during the segment and reiterated by medical and scientific experts (see [Investigation Report 2855, Catalyst](#)).
- > A presenter described events apparently depicted in a video as ‘disgraceful and shameful’ and ‘a shame to the human civilisation’. The ACMA observed that the use of strong language such as this was not in itself indicative of a lack of impartiality. ‘If the events in the video did occur, the presenter’s strong language would not be unwarranted, given the repugnance of the acts apparently depicted’ (see [Investigation Report 2198, Tamil Language Program](#)).
- > A presenter made a comment, ‘... some say’ that the same predicament may befall the Syrian President. The ACMA observed that the comment was proposed as a possible topic of discussion by the presenter, and repeated by another interviewee, and the debate then returned to the issue of the Sudanese President. The ACMA concluded the comment was a remark that was not fully developed. It was not an express statement or claim about the actions of the Syrian President and did not directly refer to the possibility of him being charged with crimes against humanity (see [Investigation Report 2294, Arabic Language Program](#)).

In some instances one comment will impact the report overall. In [Investigation Report BI-347 \(ABC News\)](#) the ACMA considered that a report generally demonstrated fair treatment and open-mindedness, however, [a brief statement was:](#)

[...] a declarative statement which was incongruent with the substance and scope of the factual matters presented earlier in the report. Although the statement was very brief, its impact was heightened by the fact that it was delivered by the ABC's Political Editor in the report's only piece to camera.

The mere fact that a judgemental tone is adopted at times or that a particular individual may be shown in a negative light is not, of itself, conclusive evidence of partiality. In [Investigation Report 2573 \(Channel Seven News\)](#), notwithstanding the judgemental opening tone of the broadcast, the ACMA was satisfied that the potentially problematic elements of the news story (including the judgemental tone and use of other language such as 'insensitive' and 'he had been caught on camera') were countered by the weight of contextualising material and the inclusion in the segment, in its entirety, of the interview with a politician at Parliament House. The ACMA considered it very significant that the politician had been given advance notice of the material to be discussed in the interview and an opportunity to prepare.

Challenging questions and interruptions

The impartiality provisions of the codes do not prevent reporters from asking difficult or controversial questions. In [investigation reports 1418 and 1474 \(Four Corners\)](#), the ACMA noted:

The nature of current affairs reporting requires reporters and presenters to be probing, and at times, sceptical in their analysis of important issues. In this context it was legitimate for the program to explore important public interest issues, such as the economic benefits Tasmanians obtain from the forest industry, the attempted bribery conviction of a former Gunns Chairman and the alleged close relationship between Gunns, government, and regulatory bodies such as the Forest Practices Board. The ACMA considers that it is appropriate for a current affairs program to explore these controversial issues. The canvassing of these issues was fair in the context, and did not deliberately attempt to portray Gunns or the forest industry in a negative light [...] In the circumstances the ACMA finds no evidence upon which it could conclude that the issues canvassed were not reasonable or that they demonstrated bias or partiality against the forestry industry.

In [Investigation Report 2872 \(7.30\)](#), a robust questioning style, which included several very direct and challenging questions, was not considered partial as the presenter provided several opportunities for a politician to respond to her questions and put his views across at some length.

The presenter challenged the interviewee on whether he was fully informed about the matters on which he was commenting. The ACMA observed:

The presenter's challenge does not mean that the program was partial or that the presenter was conveying prejudice against X. A particular viewpoint or line of questioning may be quite appropriately favoured while being impartial if the context (including the weight of evidence and the significance and identity of the interviewee) supports it. It is only where the favouring is undue in some way that the Code is breached [...] The presenter offered X fair opportunities to respond to all these matters [...] and the ACMA finds that the ABC did not breach standard 4.1 of the Code.

In [Investigation Report 3214 \(7.30\)](#), the ACMA said that while some of the questions asked conveyed a 'level' of prejudgement, overall the reporter's tone was measured and courteous and that it was 'reasonable' in the context of the topic explored that challenging questions were put to the interviewee.

The ACMA has also considered the practice of presenters' interruptions in this context. The use of such techniques does not, of itself, affect the impartiality of the program, as long as a willingness is demonstrated to include alternative perspectives without prejudgement. In [Investigation Report 2754 \(PM\)](#), the ACMA said:

In this case the interview was characterised by both interviewer and interviewee speaking over one another. The interruptions came across as a combination of accident and an attempt by both parties to make themselves heard. The ACMA accepts that the presenter interrupted the interviewee on several occasions. However, on balance the interviewer interjected when (the interviewee) strayed from the subject matter. As such, the interruptions were generally used to progress the interview. [...]

The ACMA considers that the interruptions did not limit (the interviewee's) ability to provide responses to the questions posed during the interview. In this regard, it is noted that the (interviewee) parried questions from the interviewer and reasserted himself on several occasions throughout the interview. The ACMA notes the technique of interrupting during the interview does not, of itself, reflect partiality by the presenter, provided the interviewee is still allowed opportunity to put his point across to respond to questions asked, as was the case in this interview.

'Due' impartiality

Including the word 'due' in relation to impartiality requirements in some codes indicates an element of flexibility, depending on the particular context.²⁴ For example, the gathering and presenting of factual information for a news bulletin may be materially different from an interview of a political figure, where challenging questions are ordinarily appropriate.

The ABC code notes that assessing the impartiality due in given circumstances requires consideration in context of all relevant factors, including²⁵:

- > 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
- > the time frame within which it would be appropriate for the ABC to provide opportunities for 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 the current debate.

Interviewing politicians

Nothing in the codes prevents broadcasters from making a thorough examination of the public words and actions of those in public life or from commenting on them. It is legitimate for broadcasters to investigate and report on matters of public interest and concern, including situations that present politicians or events in a negative light. However, the ACMA considers that care in framing is important. The broadcaster must be fair, unbiased and avoid conveying prejudgement (see [Investigation Report 2573, Channel Seven News](#)).

When interviewing politicians, the same principles apply to interviews with the general public. However, the ACMA has recognised that politicians are frequently 'accomplished and experienced media performers', which may justify particularly robust probing by interviewers, as seen in [Investigation Report 2582 \(Breakfast\)](#).

²⁴ For example, the ABC code uses 'due impartiality' at Standard 4.1.

²⁵ Standard 4 of the ABC code, Impartiality and diversity of perspectives.

Even so, politicians' media experience does not permit conveying prejudgements, asking loaded questions, conveying derision and ridiculing the interviewee.

[Investigation Report 2582 \(Breakfast\)](#) focused on each of these issues and concluded:

- > The presenters demonstrated fixed prejudgement on the issues being explored. While the presenters did allow the politician to give his version of events, language in the broadcast conveyed derision of the interviewee, such that the credibility of his version of events was undermined.
- > The term 'soap opera', which was applied to the politician X and/or his activities, had a disparaging force, particularly as it occurred in the opening question of the interview and twice more in the broadcast.

By contrast, [Investigation Report 2872 \(7.30\)](#) involved very direct questioning of a politician that was found not to involve the presenter conveying a prejudgement about a particular politician or her affections or enmities about the content of the interview:

Rather the reporter presented to [the politician] material suggesting what appeared to be differences between current events and his public statements and asked him to respond thereby permitting viewers to evaluate the issues raised having regard to both the presenter's questions and [the politician's] responses.

[Investigation Report 2573 \(Channel Seven News\)](#) is another example of the importance of giving a politician the opportunity to respond and present their viewpoint. The ACMA considered it very significant that the politician had been given advance notice of the material to be discussed in the interview and an opportunity to prepare. However, putting questions without notice to interviewees is not, in itself, indicative of a lack of impartiality. This is particularly so in cases where the interviewee is experienced in dealing with the media—see [Investigation Report 2199 \(World News Australia\)](#).

Relevant investigations



ACMA investigation reports [1418 and 1474](#), [2730](#), [2872](#), [2239](#), [3158](#), [2855](#), [1943](#), [2429](#), [2582](#), [1952](#), [2198](#), [2294](#), [2573](#), [2754](#), [2199](#), [3214](#), [BI-305](#), [BI-347](#)

6.2.3 Overall presentation and construction of the program

Omissions and unfair selection of material

The omission of information may create an unfair overall presentation of a particular subject and undermine the objectivity and impartiality of the item. In [Investigation Report 1952 \(National Nine News\)](#), the ACMA found that the broadcaster had breached the fairness and impartiality provisions of the code by unfairly creating an unfavourable impression about an ethnic group:

[...] material which could have overcome the lack of impartiality was readily available to the licensee from the Minister or the public domain prior to the broadcast, the material selected reinforced a major theme (that a particular ethnic group was particularly prone to violence and crime as a group) rather than providing an alternative viewpoint, context or balance [...]. The material broadcast was an unfair selection, was unfairly juxtaposed and created the overall impression of the ethnic group as prone to violence and crime as a group.

In [Investigation Report 2433 \(Channel Seven News\)](#) and a related [Investigation Report 2434 \(Ten News at Five\)](#), the ACMA found that the news broadcasts did not comply with the commercial television code. In both reports, the ACMA said:

In assessing compliance with the obligations to present news fairly and impartially the ACMA takes a range of factors into account. Taking into account the theme of the news story, the range of perspectives that were presented in relation to that theme and the overall presentation of the story, the ACMA considers that that, in its selection of the subject material used, the licensee did not present the news fairly.

In [Investigation Report 2434 \(*Ten News at Five*\)](#), the ACMA's comments included the following:

In the ACMA's view, in selectively using the available footage, the licensee did not present the altercation between X and the cameraman in a way that was fair. In the context of the story which was being covered, that is, the alleged participation of X's son in a violent riot, this is of particular relevance, notwithstanding the licensee's submission that the report of the confrontation was not unfairly juxtaposed with the reporting on the outcome of the court proceedings.

In the ACMA's view, the material would have led the ordinary reasonable viewer to the perception that X had expressed aggression towards the cameraman for little reason. In reality, the confrontation was the culmination of X and his son Y being followed by a cameraman for a considerable period of time and X pleading with the cameraman on numerous occasions to stop filming. Whilst X may have eventually lost his temper, the report did not make clear the context in which this occurred. The combination of the footage and the use of the words 'X confronted the media' compounded the impression that X lost his temper with little or no provocation.

In [Investigation Report BI-227 \(*Nine Sunday News*\)](#), the ACMA found that the selection and presentation of information was unfair:

The news report also included a number of juxtapositions of statements regarding 'perks' and entitlements that were unfair. These concerned events and expenditure that were authorised before Cr Szatow's tenure as Mayor. They were presented in a way that gave undue emphasis to some alleged misspending, by conflating different periods of time in which particular items were funded. This exaggerated the total level of spending and created the impression that wasteful attitudes and excessive expenditure were current and had all occurred while Cr Szatow was Mayor (that is, the period from September 2015 to the date of broadcast).

In that matter, the ACMA made the following comments about the different standard for impartiality that applies to news programs than current affairs programs:

The use of certain qualifications, exaggerations, comical graphics and conflation of time periods meant that the language, style and tone of the news report was not neutral. The juxtaposition of this material further demonstrated a lack of impartiality in the news report when reporting on the accusations against Cr Szatow.

Many such features of the news report are common in current affairs programming, but as the news report was broadcast in a news program, it is material to which the industry has determined that fairness and impartiality obligations apply.

Range of perspectives canvassed, choice of interview subjects and undue emphasis

It is permissible for a broadcast to focus on one aspect of a news story. In [Investigation Report 2239 \(*Dateline*\)](#), the ACMA concluded:

In terms of the attention given to victims of the conflict of other ethnicities, it is accepted that there was little mention of these. However the story did not purport to give an account of the whole 25 years of conflict; rather, it concentrated on particular aspects at the particular time of the broadcast. In these circumstances, the lack of references to non-Tamil victims of the conflict did not evince bias in favour of Y or the against the Government or the people of Sri Lanka [...] The story therefore, considered as a whole, did not convey pre-judgement, or give effect to the affections or enmities of the presenter of the reporter, in respect of the issues explored.

In [investigation reports 1418 and 1474 \(Four Corners\)](#),²⁶ the ACMA said that the ABC code does not require the broadcaster to be unquestioning or to give all sides of an issue the same amount of time:

The Senate Inquiry into the forestry industry and green groups had raised significant allegations that were in the public interest. In these circumstances, in the context of an investigative current affairs program, the reporter was entitled to critically question forestry industry representatives. The ACMA finds no evidence upon which it could conclude that the reporter did not give forest industry representatives an adequate opportunity to respond to the allegations and refute the claims made.

The inclusion of alternative viewpoints can prevent a program being considered partial and in breach of a code requirement. Brief treatment of the alternative viewpoint may be sufficient. In [Investigation Report 1952 \(National Nine News\)](#), the ACMA acknowledged the pressures and realities of the news reporting format and observed:

In making this observation about alternate viewpoints, the ACMA recognises that the format of news bulletins by their nature will generally be brief and often less suited to presenting a range of views when compared with, say, feature length documentaries. However, it would have been possible to provide balance in this case relatively easily by presenting a similarly short alternate viewpoint drawn from the interviews that went to the primary theme of the story.

In [Investigation Report 1943 \(Channel Seven News\)](#), the ACMA found that a segment discussing violence by a particular ethnic group opened with a strong line that had the potential to set the theme and tone of the program. However, the ACMA concluded:

Overall, while the program had a strong line, it juxtaposed sufficient alternative material so as to avoid creating an undue emphasis on acts of terror and violence in connection with the particular ethnic group. The program sought to explore the reasons for the incidents that had occurred and put an African point of view, and apart from the inaccurate opening sequences did not present an unfair selection of material.

By contrast, in [Investigation Report 1952 \(National Nine News\)](#), the ACMA found the licensee breached the requirement to present news fairly (and impartially), as it gave undue emphasis to Sudanese (and to some extent African) people as a whole in connection with alleged acts of violence:

The material used was an unfair selection, was unfairly juxtaposed and created an unfair presentation, overall. There was no alternate viewpoint which tested the appropriateness of this impression.

In a related decision, [investigation reports 1922 and 1953 \(Ten News at Five\)](#), the ACMA was influenced by the overall presentation of the broadcast that had:

- > a particularly high focus on violence and crime across a range of unrelated incidents, which allegedly involved African or Sudanese individuals
- > the confusing presentation of alternative viewpoints that did not present clear viewpoints on the principal thrust of the story
- > the fact that the program finished by emphasising a strong local fear of Sudanese people, with the introduction of several seemingly unrelated past crimes by Sudanese individuals of key concern.

²⁶ Consideration of different perspectives was also canvassed in [Investigation Report BI-270 \(ABC News Breakfast\)](#).

In that matter, the ACMA found:

[...] it was the inclusion of these features that placed an overall undue emphasis on criminal activity and lawlessness by Sudanese people in general and that this was unfair to Sudanese people as a group.

In [Investigation Report 2730 \(Media Watch\)](#), the ACMA reviewed a broadcast in which the presenter explored what he claimed to be one-sided reporting by a newspaper and an allegation of editorial bias. The ACMA noted that:

[...] the issue was being publicly debated and did not originate with the presenter [...] Further, *Media Watch* is a program that routinely calls into question the actions of the media and of journalists. The ordinary, reasonable viewer would be cognisant of this fact and would set his or her expectations accordingly.

A perspective may be quite reasonably favoured if all the evidence supports it—it is only where the favouring is undue in some way that the code is breached.

It is possible for the perspective of the individual presenter to be unduly favoured. The ACMA has recognised that the nature of current affairs reporting requires reporters and presenters to analyse issues and that necessarily a presenter's own perspectives will be presented in the broadcast of a program. The relevant issue is whether, in the particular program, the presenter's perspectives are favoured in a way that prevents the effective presentation of alternative viewpoints.

It is permissible for a current affairs program to focus on a particular perspective, where that approach would be clear to an ordinary reasonable viewer. For example, in [Investigation Report 2429 \(The 7.30 Report\)](#), the ACMA accepted that the broadcast had been presented largely from the perspective of an individual in circumstances where one party had declined to appear on the program on the basis of legal advice, as the subject matter was then before the courts. The ACMA concluded:

It is common cause that the matter was yet to be decided by the Court and that the complainants were not available for direct comment. Reviewing the overall presentation of the piece, as opposed to a line-by-line analysis, it would have been clear to the viewer that the matter was the subject of court proceedings and that elements of the case brought by X were disputed by Y [...] For this reason, and on balance, the ACMA finds that the overall presentation did not, in and of itself, convey a prejudgement or partiality. The factors identified by Y as setting the tone of the story reflect the fact that it was largely told from X's perspective. This does not of itself indicate that the story conveyed a prejudgement or gave effect to the affections or enmities of the presenter.

[Investigation Report 2239 \(Dateline\)](#) is an example where the ACMA concluded that the reporter had demonstrated adequate willingness to include an alternative viewpoint on a particular matter:

Thus the reporter gave two competing descriptions of the issue in close proximity, attributing one to the Government and the second to 'critics', and abstained himself from assenting to either characterisation, instead opting to point to objective features about the camp [...] Thus the story displayed willingness to include alternative viewpoints on the matter.

In a series of related investigations into the broadcast of news items about the violence and assimilation of Sudanese refugees in Melbourne [investigation reports 1922 and 1953 \(Ten News at Five\)](#), [Investigation Report 1943 \(Channel Seven News\)](#) and [Investigation Report 1952 \(National Nine News\)](#)—the ACMA noted:

In essence, the ACMA took all of the complaints on fairness and impartiality as going to an underlying concern that the news was unfairly biased against Sudanese (and to

some extent African) people as a whole, and overplayed the role of ethnicity in its coverage of local troubles.

In [Investigation Report 2904 \(World News Australia\)](#), the ACMA accepted that the broadcaster gave more prominence to the view that a massacre was perpetrated by one group. However, the ACMA did not consider this amounted to 'unduly' favouring that view, in circumstances where this was also the view of the United Nations Human Rights Council (UNHRC), and was reflected in a UNHRC Resolution. Although the broadcaster did not include the viewpoints of other interested parties, the ACMA concluded:

Nonetheless the broadcaster's presentation of views was sufficiently wide, and sufficiently justified, to meet the impartiality and balance requirements of the Code.

Relevant investigations



ACMA investigation reports [2573](#), [1922 and 1953](#), [1943](#), [1952](#), [2433](#), [2434](#), [2239](#), [1418 and 1474](#), [2730](#), [2429](#), [2904](#), [BI-227](#), [BI-270](#)

7. Fair treatment

7.1 Introduction

This paper has so far examined the concepts of balance, fairness and impartiality—factors that apply to a program as a whole. A further variation on the theme is the fair treatment of individuals and their viewpoints.

7.1.1 Fair treatment of viewpoints

The codes cover the concept of fair treatment of viewpoints as an obligation not to misrepresent a person's viewpoint. For example, the commercial television code in clause 3.3.1 requires licensees to ensure that viewpoints included in a news or current affairs program are not misrepresented. The commercial radio code²⁷ and the SBS code²⁸ also focus on not misrepresenting viewpoints. The ABC code includes explicit provisions about 'dealing with participants' and 'opportunity to respond' (see section 7.1.2, *Fair treatment of individuals*).

Broadcasters are not necessarily required to represent particular viewpoints (unless, for example, a code requirement to present news fairly and/or impartially obliges a broadcaster to do so). However, where a broadcaster purports to represent a viewpoint, it must do so fairly.

The overriding requirement is that the program in its entirety must represent viewpoints fairly. Circumstances including misleading editing or inappropriate juxtaposition of material in the representation of a viewpoint can contribute to a representation being rendered unfair.

In [Investigation Report 2803 \(*Sunday Night*\)](#), the ACMA found the licensee in breach of the commercial television code for failing to adequately provide an explanation of one party's conduct. The ACMA observed:

The Licensee had considerable material at its disposal prior to the broadcast which, if presented, could have fairly conveyed X's viewpoint on these issues. The documentation was provided to the Licensee some two weeks before the segment was broadcast. It included a detailed explanation outlining X's version of events [...] The omission of X's views on these issues materially affects the impression of the incident that is conveyed to the ordinary, reasonable viewer. The failure to represent X's viewpoint fairly resulted in viewers being unable to attain a proper understanding of the incident.

The ACMA found a commercial radio licensee to have misrepresented a person's viewpoint by ignoring, in a subsequent broadcast about the same issue, material sent to a broadcaster by the person who believed that their viewpoint had been misrepresented in the first broadcast. The ACMA rejected the licensee's argument that the complainant's letter of complaint between the two broadcasts was written as a complaint to the licensee and had not been expressed as a viewpoint for broadcast. In [Investigation Report 1668 \(*Mornings*\)](#), the ACMA observed the licensee had received the material before the second broadcast and the licensee had, in the second broadcast, misrepresented the viewpoints expressed to it.

In the same investigation, the ACMA also found the licensee in breach of an earlier version of clause 2.3(d) of the commercial radio code, which provided that the licensee

²⁷ Clause 3.2.3 of the commercial radio code.

²⁸ Clause 2.2 of the SBS code.

must ensure that ‘... material is not presented in a misleading manner by giving wrong or improper emphasis or by editing out of context’.

The ACMA decided that the licensee presented material (in this instance, the viewpoints expressed to it) in a misleading manner. It did so by giving the wrong or improper emphasis to the involvement of Austrade in the complainant’s trip to China by stating that Austrade ‘paid for’—as opposed to ‘sponsored’—the trip. The complainant had at no point advised the licensee that Austrade had financed the trip.

The manner in which a person’s viewpoint is represented, such as the planning and notice given of an interview and the nature of interruptions by the presenter, can also affect the fairness of the representation. In [Investigation Report 2803 \(Sunday Night\)](#), the ACMA concluded:

[...] the unplanned and impromptu style of the interview, the numerous interruptions to the Managing Director’s responses and the interview’s brevity, coupled with the failure to otherwise present X’s viewpoint by reference to the written material it had provided, meant that the Licensee fell short of a fair representation of X’s viewpoint.

A commercial television licensee is not required to obtain all salient viewpoints, nor is it required to present all material it obtains. A program may omit material and its makers may choose not to obtain viewpoints (unless another code provision, like the requirement to present news fairly and impartially, obliges them to do so). However, any viewpoint presented in a broadcast must not be represented unfairly.

In [Investigation Report 1814 \(A Current Affair\)](#), the ACMA concluded that an omission of a viewpoint in the circumstances was unfair. In this matter, the person’s viewpoint had been featured prominently in the broadcast on all other matters traversed. Therefore, the licensee’s decision to omit his viewpoint on a significant adverse allegation (that he hadn’t paid enough to support his own biological child) would have led the ordinary reasonable viewer to conclude that he had no comment to make.

Similarly, in [Investigation Report 1660 \(A Current Affair\)](#), the ACMA found that the licensee did not fairly represent a media advisor’s viewpoint. The media advisor had clarified his opinion on a matter later in the same conversation with the presenter. By not including the relevant material, which the broadcaster admitted it had at the time of the broadcast:

[...] the program gave the impression that the media advisor was confused and in doubt about the relevant allegation. This impression was unfair as it did not include his viewpoint as expressed later in the same conversation.

In [Investigation Report 3060 \(Today Tonight\)](#), the ACMA said:

The ACMA is aware that while the first complainant provided the licensee with material prior to the segment being broadcast, the licensee made only minimal reference to this material during the segment. However [...] licensees may omit material as long as they do not misrepresent a viewpoint in doing so. [...]

The ACMA notes the licensee’s submission that including the interviewee’s response to the reporter’s questions would not have added anything of substance to the segment, and that the community member did not offer a viewpoint during the interview. Therefore, it argued, no viewpoint was represented during this exchange.

The ACMA is persuaded by this submission. While the omission of the community member’s response may, to a certain extent, have made him appear evasive and uncooperative, the ACMA considers that, as no viewpoint was expressed in the broadcast by the community member, the licensee did not unfairly represent a viewpoint.

The ACMA stated in [Investigation Report 2962 \(The Alan Jones Breakfast Show\)](#), that where a licensee gives a person a fair opportunity to express their views or reads the person's view verbatim, the licensee is much less likely to misrepresent the view:

The ACMA is of the view that the presenter allowed X to present his argument in a respectful and fair manner. There is no evidence to suggest that X's views were edited out of context and the ACMA is satisfied that the licensee did not misrepresent the viewpoint expressed in the ABC article. The presenter quoted the article verbatim and the ACMA does not consider that he gave it a wrong or improper emphasis in doing so.

Licensees cannot rely on material posted on their website as a fair representation of a viewpoint. The licensee's obligation under the commercial television code is to present material that is broadcast in such a way that it fairly represents viewpoints. The licensee cannot, in this context, rely on (or expect viewers to rely on) material other than that contained in the broadcast—see [Investigation Report 2803 \(Sunday Night\)](#).

Relevant investigations



ACMA investigation reports [2803](#), [1668](#), [1814](#), [1660](#), [3060](#), [2962](#)

7.1.2 Fair treatment of individuals

The ABC code includes (among others) the following provisions:

5.1 Participants in ABC content should normally be informed of the general nature of their participation.

[...]

5.3 Where allegations are made about a person or organisation, make reasonable efforts in the circumstances to provide a fair opportunity to respond.

In [Investigation Report 2870 \(The World Today\)](#), the ACMA found the ABC had complied with its obligations under standard 5.1 (inform participants of the general nature of their participation) in circumstances where it did not elect to include certain comments:

With respect to the complainant's concerns about the ABC's advice that he would be interviewed about Australia's ... pledge and the fact that his comments were ultimately not included in the broadcast, the ACMA considers that the ABC complied with standard 5.1 on the basis that it informed the complainant of the 'general nature' of his participation. The decision not to include the interviewee's comments is largely an editorial matter and does not raise issues of compliance (in and of itself) with the ABC's obligations under standard 5.1

In [Investigation Report 3214 \(7.30\)](#), the ACMA noted:

The obligation in the standard is only to inform participants of the *general* nature of their participation. Standard 5.1 does not require the ABC to set out every issue that will be canvassed with a participant. Moreover, an interviewee who is not satisfied with the level of detail proffered about the proposed story and their proposed participation, can decline to participate.

In [Investigation Report BI-330 \(7.30\)](#)²⁹ the ACMA assessed compliance with obligations under standard 5.3 (provide a fair opportunity to respond where an allegation is made about a person or organisation) and noted:

[...] the ABC is not required to put all the material it has supporting allegations to a party prior to broadcast.

Regarding standard 5.3, the ACMA considers that a threshold consideration is whether or not the material complained about includes an 'allegation' as contemplated by standard 5.3. For [Investigation Report 3178 \(Media Watch\)](#), the ACMA noted:

To determine whether an allegation was made about a person or organisation, the ACMA must first identify the meaning of the material that was broadcast, according to the understanding of the ordinary reasonable viewer. Once the ACMA has identified the meaning of the material, it must then consider whether the material amounted to an allegation within the meaning of standard 5.3 of the code.

The ABC has also published a Guidance Note, specifically to assist with the interpretation of standard 5.3 of the code.³⁰ The Guidance Note specifies the types of conduct that will attract the operation of standard 5.3, namely 'action or inaction that may be unlawful, improper, incompetent, negligent, corrupt, dishonourable or antisocial'.

In [Investigation Report 2730 \(Media Watch\)](#), the ACMA considered whether the ABC had complied with its obligations under standard 5.3. The ABC had submitted that its comments about the writer were not sufficiently grave to fall within the categories of conduct contemplated by the standard and Guidance Note. In finding that the ABC did not comply with the relevant requirements, the ACMA said:

The ACMA rejects this view. An accusation of failing to abide by one's professional code comfortably falls within one of the classes of behaviour referred to above. In this instance, the complaint is that the presenter named the Writer and alleged that he had breached clause 1.3 of the News Ltd Code of conduct (the code of conduct). 'Try always to tell all sides of the story in any kind of dispute.' In the context of the Segment, the ACMA considers that the presenter's comments were not so straightforward, or in the words of the ABC, 'clear cut', that they could be classed as a simple statement of facts as opposed to an allegation.

In [Investigation Report 3178 \(Media Watch\)](#), the ACMA found the material complained about did not amount to an 'allegation' that would attract the application of standard 5.3 and that the ABC had therefore complied with the relevant requirements. Having considered the meaning of the material that was broadcast, the ACMA said that, although the presenter 'expressed his personal view on a critique and analysis of the newspaper's coverage of the election', that the criticism, in that context, did not amount to an allegation contemplated by standard 5.3.

In the case of the other aspect of the material, the ACMA said—in comparing this investigation to that of [Investigation Report 2730 \(Media Watch\)](#) above—that:

The ACMA notes that there is no analogous and specific allegation or 'accusation of failing to abide by one's professional code' in this case. The ACMA considers that the criticism of exaggeration made here did not amount to an allegation under standard 5.3 of the code.

²⁹ Similar matters were addressed in [Investigation Report BI-329 \(7.30\)](#).

³⁰ See <http://about.abc.net.au/reports-publications/fair-opportunity-to-respond-guidance-note/>.

In [Investigation Report 3214 \(7.30\)](#), the ACMA considered whether a range of allegations fell within the classes of action or inaction contemplated by the code provision. The ACMA's comments in this matter included the following:

However, the allegations made by (the interviewees) were different. They were client-specific allegations of mismanagement of repayments, lack of communication about payments, and neglecting to negotiate with creditors. These more specific allegations fell into the category of actions or inactions [...] captured by standard 5.3. Regardless of whether (the complainant) had intimate knowledge of their cases, she was not made aware of these specific allegations prior to the broadcast and [...] not given an opportunity to respond to them.

Relevant investigations



ACMA investigation reports [2870](#), [3178](#), [2730](#), [3214](#), [BI-229](#), [BI-330](#)

8. More information

Copies of the codes

- > Download the codes at www.acma.gov.au/theACMA/About/The-ACMA-story/Regulating/broadcasting-codes-schemes-index-radio-content-regulation-i-acma.

The ACMA's investigations reports

- > Radio investigations—www.acma.gov.au/theACMA/ACMAi/Investigation-reports/Radio-investigations/radio-operations-investigations-codes-of-practice-compliance-i-acma.
- > Television investigations—www.acma.gov.au/theACMA/ACMAi/Investigation-reports/Television-investigations/television-operations-investigations.

General

- > Go to www.acma.gov.au.
- > Follow us on www.twitter.com/acmadotgov.
- > 'Like' us on www.facebook.com/acmadotgov.
- > View us on www.youtube.com/user/acmadotgov.

Contact

- > Website—www.acma.gov.au.
- > Email us at broadcasting@acma.gov.au.

Appendix A

Table 1: Relevant provisions in broadcasting codes

Code	Provision
ABC Code of Practice 2011	<p>Section 4 – Impartiality and diversity of perspectives</p> <p>4.1 Gather and present news and information with due impartiality.</p> <p>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.</p> <p>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.</p> <p>4.4 Do not misrepresent any perspective.</p> <p>4.5 Do not unduly favour one perspective over another.</p>
SBS Codes of Practice 2014	<p>Code 2.2 Accuracy, impartiality and balance</p> <p>SBS is committed to achieving the highest standard of news and current affairs presentation. To this end, reasonable effort must be made to ensure that the factual content of news and current affairs programs is accurate, having regard to the circumstances, and facts known, at the time of preparing and broadcasting the programs.</p> <p>SBS will take reasonable steps to ensure timely correction of significant errors of fact.</p> <p>The requirement for accuracy does not mean that an exhaustive coverage of all factual material relating to matters broadcast must be presented.</p> <p>While the emphasis in news is the reporting of factual information, news programs, as well as current affairs programs, may include comment and analysis.</p> <p>Reasonable effort should be made to ensure news and current affairs programs are balanced and impartial, having regard to the circumstances at the time of reporting and broadcasting or publishing, the nature and immediacy of the material being reported, and public interest considerations.</p> <p>The commitment to balance and impartiality requires SBS to present – over time and across the schedule of content broadcast or published on the relevant service (Television, Radio or Online and Emerging Platforms) – a wide range of significant views, not misrepresenting them or unduly favouring one over another.</p> <p>It does not require SBS to present all viewpoints on an issue or to allocate equal time to different points of view. Neither does it preclude a critical examination of controversial issues or the expression of critical and provocative points of view.</p>

Code	Provision
	<p>The decision as to whether it is appropriate for a range of views or particular views to be included within a single program or story is a matter for editorial discretion.</p> <p>In relation to news content, for major issues that are matters of controversy, balance should be provided over the period in which the controversy is active. Balance will be provided through the presentation, as far as possible, of principal relevant viewpoints.</p> <p>SBS has a policy of self-identification (see Code 1.5) and does not arbitrate on the validity of territorial claims.</p> <p>SBS journalists should identify themselves and SBS before proceeding with an interview for broadcast.</p>
<p>Commercial Television Industry Code of Practice 2015</p>	<p>3.3 Accuracy and fairness</p> <p>3.3.1 In broadcasting a news or Current Affairs Program, a Licensee must present factual material accurately and ensure viewpoints included in the Program are not misrepresented.</p> <p>3.3.2 Clause 3.3.1 applies to material facts and material misrepresentations of viewpoints only.</p> <p>3.4 Impartiality</p> <p>3.4.1 In broadcasting a news Program, a Licensee must:</p> <ul style="list-style-type: none"> a) present news fairly and impartially; b) clearly distinguish the reporting of factual material from commentary and analysis <p>3.4.2 Nothing in this Section 3 requires a Licensee to allocate equal time to different points of view, or to include every aspect of a person’s viewpoint, nor does it preclude a critical examination of or comment on a controversial issue as part of a fair report on a matter of public interest.</p> <p>3.4.3 Current Affairs Programs are not required to be impartial and may take a particular stance on issues.</p>
<p>Commercial Radio Code of Practice 2017</p>	<p>3. News and Current Affairs Programs</p> <p>3.1 In broadcasting News Programs, a Licensee must use reasonable efforts to:</p> <ul style="list-style-type: none"> 3.1.1 present news accurately and impartially; [...] 3.1.3 distinguish news from comment. <p>3.2 In broadcasting Current Affairs Programs, a Licensee must use reasonable efforts to ensure that:</p> <ul style="list-style-type: none"> [...] 3.2.3. viewpoints expressed to the Licensee for broadcast are not misrepresented or presented in a misleading manner by giving wrong or improper emphasis on certain material or by editing material out of context. <p>3.9 Current Affairs Programs are not required to be impartial and may take a particular stance on issues. However, a Licensee must provide reasonable opportunities for significant alternative viewpoints to be presented when dealing with controversial issues of public importance, while the issue has immediate relevance to the community.</p>

Code	Provision
	<p>Footnote:</p> <p>For the purposes of this provision, 'reasonable opportunities' can be accommodated within the same Program or a similar Program. The requirement does not impose an obligation on Licensees to allocate equal time to different points of view, nor to broadcast all viewpoints expressed to it.</p>
<p>Subscription Broadcast Television Codes of Practice 2013</p>	<p>Clause 2.2: News and Current Affairs Programs</p> <p>(a) News and current affairs programs, including news updates, broadcast by Licensees must:</p> <p>(i) Present news accurately, fairly and impartially;</p>
<p>Community Radio Broadcasting Codes of Practice 2008</p>	<p>Code 3: General Programming</p> <p>3.6 News, current affairs (including news updates and promotions), documentaries, feature programs and interviews shall:</p> <p>(a) provide access to views not adequately represented by other broadcasting sectors,</p> <p>(b) present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact as quickly as possible,</p> <p>(c) clearly distinguish factual material from commentary and analysis,</p> <p>(d) present news in such a way that it does not create public panic or unnecessary distress to listeners, and</p> <p>(e) represent viewpoints fairly without having a misleading emphasis, editing out of context or withholding relevant and available material.</p>
<p>Community Television Broadcasting Codes of Practice 2011</p>	<p>In broadcasting news and current affairs programs, including magazine and opinion programs, news updates and news and current affairs promotions, licensees will:</p> <p>3.11 Present factual material accurately and represent viewpoints fairly, not misrepresenting a viewpoint by giving misleading emphasis, editing out of context or withholding relevant available facts.</p>