ACMA investigation into coverage by Australian television broadcasters of the Christchurch terrorist attack

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Executive summary

### A terrorist attack live streamed by its alleged perpetrator

On 15 March 2019 a violent terrorist attack took place in Christchurch, New Zealand leading to a large number of deaths and significant injuries to many innocent people. The attack began at approximately 1.40 pm local time (11.40 am AEDT). The lead-up to the attack and most of the attack itself was filmed with a bodycam attached to a helmet the alleged perpetrator was wearing. This material was live streamed on Facebook, with the vision and audio further disseminated in whole or in part across a range of online platforms.

The footage generated by the alleged perpetrator lasted approximately 17 minutes. After the initial live streaming it was subsequently shared by around 4,000 users on Facebook before the platform operator blocked access after approximately one hour. In the 24 hours after the incident, 300,000 clips containing the material were uploaded to Facebook (before subsequently being deleted) and many more people viewed and shared clips containing the material on other social media platforms.[[1]](#footnote-1)

### The ACMA moved quickly to investigate coverage on Australian television

The ACMA launched an investigation on 18 March 2019 into coverage of the terrorist attack on Australia’s commercial, national and subscription television broadcast services.

There is a long-standing regulatory framework in place concerning the broadcast of news and current affairs programs on Australian television. Broadcasters have codes of practice in place that provide audience safeguards. Our investigation considered whether coverage of the terrorist attack complied with code provisions intended to provide audience safeguards, whether it raised questions about the adequacy of those safeguards and whether codes of practice provide sufficiently robust community protections to deal with this kind of material.

The ACMA’s investigation included the review of more than 200 hours of broadcast footage as well as analysis of the detailed information provided by broadcasters about the editorial decisions they made in relation to that footage.

### A unique circumstance for Australian television news producers

The availability of non-professionally produced video material is, in and of itself, not new. For some time now, user-generated mobile phone footage, dashcam and CCTV video has been posted online and been available to producers of broadcast news stories. We expect the availability of this material will only increase as more people generate content using mobile technologies. The live streaming of video online is also not that unusual.

However, the overall surrounding circumstances of this incident were unique. Events unfolded quickly and during the early news broadcasts little information was available about the details of the attack. There was initial confusion as to the number of alleged perpetrators, location of the attack and numbers of people affected. Critically, the only detailed, first-hand footage immediately available of the attack was that which was live-streamed online by the alleged perpetrator who deliberately used that live-streaming as part of the terrorist action.

In this context, television news producers were required to make immediate and difficult editorial decisions about what to broadcast and what not to broadcast. The question facing news producers, particularly on that Friday afternoon, was how to strike a balance between informing the public about the unfolding incident, the visual and communications demands of television news programming and the imperatives of minimising the exposure of audiences to distressing portrayals of violence.

In addition, news producers needed to recognise the publicity-seeking purpose in live-streaming the attacks and not give the alleged perpetrator’s views amplification through broadcast on television.

### There were strong community concerns but different views about what was shown

The violent attack was an extremely significant public incident and accordingly was highly newsworthy. The ACMA considers a clear public interest existed for Australian audiences being appropriately informed about it.

The ACMA received complaints about the content broadcasters showed on both their television and online services (for example, catch-up and social media pages). There was also extensive public discourse concerning the incident.

There was a spectrum of community views about how the attack should have been covered on broadcast television. Some in the community thought that no footage at all should have been shown as it furthered the terrorism attack itself. Others considered that large extracts should have been shown in order to fully portray the violence of the attack.

This spectrum of views was to some extent reflected in the approaches taken by broadcasters.

It is notable, however, that the most significant debate at the time and since has focused on the hosting and sharing online of the unedited video. In response, the government moved quickly to make changes to the Criminal Code to target the removal of the most repugnant of terrorist and extreme violent material accessible online.[[2]](#footnote-2)

### Difficult editorial decisions were required

The ACMA’s investigation has found no evidence that the full 17-minute video filmed by the alleged perpetrator was screened by any Australian television broadcaster on either their broadcast or online catch-up services, or posted to their social media pages.

However, Australian television broadcasters did screen discrete excerpts of the bodycam footage. Some television coverage also included survivor mobile phone footage that showed dead and injured people inside the Linwood Islamic Centre.

Broadcasters made different editorial choices in using the alleged perpetrator’s footage in their coverage of the terrorist attack:

* the ABC’s coverage focused on the use of still images from the footage filmed by the alleged perpetrator
* Sky News Live used a combination of some still images and video/audio excerpts from the alleged perpetrator’s bodycam (including gunfire directed at a person)
* the Seven Network used a range of excerpts from the alleged perpetrator’s bodycam video, including several where gunfire was directed toward people and in which a victim could be seen on screen
* the Nine Network used a range of excerpts from the alleged perpetrator’s bodycam video including several where gunfire was directed toward people and images from inside the Al Noor mosque
* Network Ten used a range of excerpts from the alleged perpetrator’s bodycam video including several depicting extensive gunfire

SBS screened overseas-sourced material that included a largely unedited excerpt in which the smoke from the gunfire was the only thing obscuring injury detail.

Where alleged perpetrator video footage was broadcast, all Australian broadcasters heavily edited the footage.

The ACMA acknowledges that the selection of the particular excerpts would have entailed difficult editorial decisions. These editorial considerations were evidenced by the fact that although most broadcasters showed similar excerpts, each treated the material slightly differently, for example:

* the depiction of the alleged perpetrator directing his gun toward two people standing in the doorway to the Al Noor mosque was treated in four different ways—ranging from frozen images (with or without audio) to a cut to a black screen

the depiction of the alleged perpetrator shooting toward a figure dressed in black at a distance along a footpath was treated in three different ways—ranging from cropping the image to obscure the figure to largely unedited footage with vision of more than twenty spent rounds of ammunition ejected from the gun.

From the footage that the ACMA viewed, it found no material that explicitly showed a person being shot, injured or killed included in any of the broadcasts.

### Codes of practice would benefit from review in light of this investigation

The nature of broadcast television enables the editing of material before it goes to air. The industry codes of practice require that editing to occur for certain types of content.

This stands in stark contrast to online platforms which are specifically designed to allow unedited material to go live in real time and where no comprehensive regulatory framework currently exists with a granular set of obligations concerning general community standards.

For the news coverage of this incident, it is evident to the ACMA that all Australian television broadcasters had regard to the relevant provisions of their respective codes of practice. Generally, this meant carefully and extensively editing material for broadcast, particularly where video footage was broadcast with varying degrees of masking.

Having reviewed the range of treatments of the alleged perpetrator and survivor footage that was broadcast, the ACMA considers that there was some material that raises questions about whether there was compliance with the broadcasting codes of practice. This is especially so where video footage of shooting at people was shown.

However, given the level of responsibility shown by the broadcasters and the unique circumstances of this incident, the ACMA considers that finding individual contraventions of the codes would have little regulatory or educative benefit.

Instead the ACMA considers that this investigation would more usefully prompt a productive conversation with industry about whether its codes are adequately framed to deal with this type of material in the future—in particular, perpetrator-generated, live streamed extreme violent material. To that end, the ACMA makes a number of observations arising from its investigation for industry consideration:

* *Material with high impact*—extreme care is required when broadcasting explicit footage of a person being killed. The broadcast of a range of images associated with such incidents also requires extremely careful treatment. Whether it is appropriate or proportionate to the public interest will depend on a number of factors including whether people are identified, the circumstances, the treatment and the explicit nature of the material.
* *Provision of viewer warnings*—provision of viewer warnings was inconsistent and appeared at times to be inadequate and ad hoc, particularly in lengthy rolling coverage. Opening sequences of news programs sometimes contained images for which the provision of warnings appeared appropriate but were not provided.
* *Repetition*—frequent repetition within short time frames of video excerpts showing gunfire directed at people increases the likelihood of causing audiences serious distress.
* *User-generated content*—broadcasters need to take particular care when selecting and broadcasting excerpts from user-generated content particularly given the variety of reasons and motivations citizen publishers may have.

*News content produced overseas*—editorial decisions made overseas resulted in the broadcast of some content that exceeded the impact of the strongest footage broadcast by Australian broadcasters.

In light of this investigation, the ACMA will conduct discussions with the television broadcasters individually and collectively on its findings and potential industry responses. This could include revisions to codes of practice to embed the important lessons learned from the coverage of the Christchurch terrorist attack.

# The ACMA investigation

## Scope

The ACMA investigation commenced on 18 March 2019. It focused on television content broadcast between 15 and 17 March 2019.

Material was assessed under the existing codes of practice formulated in accordance with the co-regulatory framework set out in the *Broadcasting Services Act 1992* (the BSA), the *Australian Broadcasting Corporation Act 1983*, and the *Special Broadcasting Service Act 1991*. [Appendix A](#_Appendix_A_–) lists the relevant provisions of the various codes of practice.

The material was all broadcast as part of news and current affairs programming. Unlike other programming, news and current affairs programs are not required to be classified. However, these programs are subject to a range of safeguards under relevant codes. These include requirements to exercise care in the selection of material for broadcast; consider the broadcast of material likely to cause harm or distress; and the adequate provision of warnings.

The ACMA has focused its investigation on the use of the video filmed by the alleged perpetrator and survivor mobile phone footage. These were considered the most impactful and, as a result, had the most potential to breach the current industry codes of practice.

Beyond that footage, the ACMA notes that most of the broadcasts also included content which was considered by the ACMA to be potentially distressing but has not been canvassed in this investigation report. This included professional news footage of injured survivors being wheeled on stretchers to the hospital. This report also does not address the excerpts from the alleged perpetrator’s manifesto that were included in some news broadcasts. These were heavily edited extracts that provided some context to a highly newsworthy incident. It should also be noted that:

* The investigation does not include the material that was shared online. This content has resulted in changes to the Criminal Code to target the removal of the most repugnant of terrorist and extreme violent material accessible online.
* The anti-terrorism standards—the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011 and the Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2011—were not relevant in this instance due to the types of services under investigation and the relevant content.

The full 17 minutes of the alleged perpetrator’s bodycam footage was refused classification (RC) by the Classification Board on 29 March 2019. This does not apply to excerpts taken from the footage. Excerpts of the footage would require separate classification because, consistent with Classification Board practice, any modification, including any editing into excerpts, is considered a new piece of content that requires a new classification decision.

## Conduct

The ACMA investigation commenced three days after the terrorist attack. Initial steps involved determining what relevant footage had been broadcast, over what period of time, and which code provisions should be included in the investigation. A comprehensive approach was adopted, including the coverage of all six commercial free-to-air networks, the two national broadcasting networks and the Foxtel subscription TV network over three days, from the attack until the end of Sunday 17 March 2019.

The investigation involved reviewing and analysing over 200 hours of content, considering potential: [[3]](#footnote-3)

* seriously distressing content
* content that might identify individual victims
* breaches of privacy
* material that might advocate the doing of a terrorist act
* perpetuating or provoking hatred or contempt on the grounds of religion

confronting content, that if classified, might exceed the MA15+ classification.

Detailed assessments of the material led the ACMA to determine that the overarching issue was how the broadcasters treated potentially distressing content. Accordingly, the investigation focussed on the code requirements to: [[4]](#footnote-4)

* exercise care when selecting material to broadcast
* restrict the broadcast of distressing content to that which can be justified in the public interest

include a warning before broadcasting distressing content, where there is a public interest reason for broadcasting that content.

Eight excerpts of the alleged perpetrator’s bodycam footage and survivor mobile phone footage were identified, which potentially showed or implied the killing of a person or showed people who had just been killed. These excepts are:

* approach to the Al Noor mosque doorway where two people were standing
* depictions from inside the Al Noor mosque
* depiction of a man being shot inside the Al Noor mosque
* shooting at a person some distance down a footpath
* shooting at people attempting to escape through a fence
* shooting through the car windscreen at people
* shooting at a person through the car’s passenger side window

survivor mobile phone footage taken inside the Linwood Islamic Centre.

In accordance with the ACMA’s standard approach to broadcasting investigations, free-to-air and subscription broadcast networks were asked to make submissions with regard to their coverage of the attack. All broadcasters submitted that they selected footage on the basis of providing accurate reporting on a highly newsworthy incident while appropriately omitting the most distressing sections of the alleged perpetrator’s bodycam footage.

Relevant excerpts from the broadcasters’ submissions are at [Appendix B](#_Appendix_B_–).

## The regulatory framework

There is a long-standing co-regulatory framework in place concerning the broadcast of news and current affairs programs. The existing framework is well-understood, flexible and relatively robust; and thereby accommodating of different editorial approaches.

Broadcasters have mature processes in place to ensure compliance with the regulatory framework. In these particular circumstances it is evident to the ACMA that all broadcasters had regard to the relevant provisions of their respective codes of practice in their broadcasting decisions by extensively editing the material.

The nature of broadcast television enables the editing of material before it goes to air. The codes of practice require that editing to occur for certain types of content.

This stands in stark contrast to online platforms which are specifically designed to allow unedited material to go live in real time and where no comprehensive regulatory framework currently exists with a granular set of obligations concerning general community standards.

The ACMA notes that internationally sourced news programs appear to be largely broadcast unedited.

## Material and broadcasters considered

The ACMA reviewed the broadcast footage provided by the broadcasters:

### Australian Broadcasting Corporation (ABC)

The ABC’s coverage focused on still images of footage taken from the alleged perpetrator’s bodycam. These included:

* a gun raised above a carpeted floor inside the Al Noor mosque
* a gun raised in front of the entrance to the Al Noor mosque
* a close-up of the alleged perpetrator’s face
* weapons lying inside the boot of the alleged perpetrator’s car

a car window shattering following the discharge of a gun from inside the car.

No victims were visible in any of these images.

### Special Broadcasting Service (SBS)

SBS used three full-motion excerpts of footage taken from the alleged perpetrator’s bodycam in its *SBS World News* bulletin at 6.30 pm on 15 March 2019.

Firstly, a 12-second excerpt from inside the car showing guns bearing white writing; then a five-second excerpt of the alleged perpetrator driving (with music in background); and thirdly, an eight-second excerpt of the alleged perpetrator walking into the driveway of the Al Noor mosque. No victims were visible in any of these images.

SBS’s *World Watch* presents news and current affairs programs from overseas sources. Amongst the *World Watch* programs broadcast on the weekend of 15–17 March 2019, some used excerpts from the alleged perpetrator’s bodycam that did not appear to have been edited. These included:

* The alleged perpetrator walking towards the doorway of the Al Noor mosque before pointing a gun toward two people standing in the doorway. Gunshots were heard as smoke could be seen leaving the barrel of the gun with the people still in view.
* The alleged perpetrator pointing a shotgun toward the passenger side window of a car at a person dressed in white. The alleged perpetrator fired the shotgun at the person.

The alleged perpetrator pumping the shotgun before appearing to fire it through the windscreen of the car. A person appeared to be standing next to a car in the distance.

Some survivor phone footage recorded by a survivor inside the Linwood Islamic Centre, in the immediate aftermath of the attack was also broadcast as part of a WorldWatch news program. In this material, bodies could be seen lying motionless within the room and in the car park outside. Blood detail was visible on several victims as well as on the carpet and on the walls. Blurring effects were used sparingly.

No gunshots could be seen hitting any of the victims in this footage that was broadcast.

### Seven Network

The Seven Network used a range of excerpts of footage taken from the alleged perpetrator’s bodycam, including from inside the car as the alleged perpetrator drove; a close-up of the alleged perpetrator’s face; outside as he retrieved weapons from the boot and walked toward the Al Noor mosque; and a range of excerpts of footage in which the alleged perpetrator fired toward people who could be seen on screen. These included:

* a gun firing down a roadside footpath towards people in the distance
* a still image of a gun pointed towards two people standing in the doorway to the Al Noor mosque
* inside the Al Noor mosque with obscured images of dead/wounded
* a still image from inside the mosque of a gun pointed toward a man
* a gun firing through a passenger-side window toward a person on a footpath

a gun firing toward two people attempting to escape through a fence.

In five of these excerpts, the viewer would have understood, either from the information conveyed by the images themselves or by additional information provided by the reporter, that the people seen on-screen had been shot.

There was no footage broadcast of people being hit by gunfire, injured or killed.

### Nine Network

The Nine Network also used a range of excerpts of footage taken from the alleged perpetrator’s bodycam, including from inside the car as the alleged perpetrator drove; a close-up of the alleged perpetrator’s face; outside as weapons were retrieved from the boot and the alleged perpetrator walked toward the Al Noor mosque; and a range of excerpts of footage in which the alleged perpetrator fired toward people. These included:

* a gun firing down a roadside footpath towards people in the distance
* a still image of a gun firing towards two people standing in the doorway to the Al Noor mosque
* inside the Al Noor mosque with obscured images of dead/wounded
* a gun firing through a passenger-side window toward a person on a footpath
* a gun firing toward two people attempting to escape through a fence
* a gun firing through the windscreen towards a person near a car.

In five of these excerpts, the viewer would have understood, either from the information conveyed directly by the images themselves or by additional information provided by the reporter, that the people seen on-screen had been shot.

There was no footage broadcast of people being hit by gunfire, injured or killed.

### Network Ten

Network Ten used a range of excerpts of footage taken from the alleged perpetrator’s bodycam, including from inside the car as the alleged perpetrator drove; a close-up of the alleged perpetrator’s face; outside as weapons were retrieved from the boot and the alleged perpetrator walked toward the Al Noor mosque; and a range of excerpts of footage in which the alleged perpetrator fired toward people. These included:

* a gun firing down a roadside footpath towards people in the distance
* a still image of a gun firing towards two people standing in the doorway to the Al Noor mosque

a gun firing through the windscreen towards a person near a car.

In each of these excerpts, the viewer would have understood, either from the information conveyed by the images themselves or by additional information provided by the reporter, that the people seen on-screen had been shot.

Again, there was no footage broadcast of people being hit by gunfire, injured or killed.

### Regional television broadcasters

Regional television broadcasters, notably Southern Cross Austereo, Prime and Golden West Network, presented items in locally produced news bulletins that were packaged reports sourced from their affiliated national networks.

WIN broadcast Sky News Live on WIN under its commercial television licence. Content of note on Sky News Live is described below.

### Foxtel—Sky News Live

Sky News Live is a 24-hour news channel. On the afternoon of Friday 15 March 2019, it broadcast rolling coverage of the aftermath of the attack, including a continuous sequence of excerpts of footage taken from the alleged perpetrator’s bodycam that contained the following:

* a gun pointing towards two people standing in the doorway to the Al Noor mosque
* a gun pointing down a roadside footpath towards people in the distance
* gunfire through a windscreen directed towards vehicles

a gun firing through a passenger-side window toward a person on a footpath.

These excerpts were broadcast together with audio also sourced from footage taken from the alleged perpetrator’s bodycam.

There was no footage broadcast of people being hit by gunfire, injured or killed.

### Foxtel—TRT World

TRT World is a Turkish international news service broadcast 24-hours a day in English as a subscription narrowcasting service. On the evening of 15 March 2019, the service broadcast rolling coverage on the Christchurch attack.

The rolling coverage included the following footage taken from the alleged perpetrator’s bodycam:

* driving over what appeared to be a dead body
* aiming a firearm at two people standing in the entrance to the Al Noor mosque

aiming and firing a shotgun through the car windscreen.

No gunshots could be seen hitting any of the victims in this footage.

## Editorial decisions by broadcasters—the selection and treatment of material

Most broadcasters heavily edited the footage and the selection of the particular excerpts would have entailed difficult editorial decisions. These editorial considerations were evidenced by the fact that although most broadcasters showed similar excerpts, each treated the material slightly differently. Two examples illustrate:

* *The depiction of the alleged perpetrator directing his gun toward two people standing in the doorway to the Al Noor mosque was treated in four different ways*

Certain broadcasters froze the image of the gun pointed toward the two people and continued to play audio of gun fire. Other broadcasters simply froze the image without audio. Other broadcasters again cut to a black screen and used the audio of gunfire. Two channels broadcast content that was sourced from outside Australia which appeared to play this excerpt unedited, however the smoke from the gunfire obscured any injury detail. The ACMA notes that although viewers were left in no doubt that people were seriously injured or killed at this location, no broadcaster showed either person being hit.

* *The depiction of the alleged perpetrator shooting toward a figure dressed in black at a distance along a footpath was treated in three different ways*

Some broadcasters appeared to crop the image to conceal the figure, others cut to black but continued with the audio of gunfire. In some broadcasts, the excerpt appeared to be played unedited, which included vision of more than twenty spent rounds of ammunition ejected from the gun. As with the example above, no broadcast showed a person being hit.

The ACMA notes that although the ABC broadcast a still image of the gun directed toward the doorway to the Al Noor mosque, it took a substantively different approach to other broadcasters by focusing on the use of still images from the alleged perpetrator’s bodycam in its coverage.

## Survivor footage

Mobile phone footage recorded by a survivor at the Linwood Islamic Centre was broadcast in some instances. This footage included images of dead and seriously wounded people. In most broadcasts, the details appeared to have been obscured. Importantly, although the content was impactful, this material was generated by a survivor who was not seeking to glorify violence but to portray the horror experienced by his community.

The ACMA notes that some overseas-sourced broadcasts lacked much of the blurring used by other broadcasters to obscure details or the dead and injured in this mobile phone footage. The impact of these depictions on viewers of this programming would have been correspondingly higher.

# Findings

## Compliance with the regulatory framework

Having reviewed the range of treatments of the alleged perpetrator and survivor footage that was broadcast, the ACMA is of the view that there was some material that raises serious questions about whether there was compliance with the codes of practice.

However, given the level of responsibility shown by the broadcasters and the unique circumstances of this incident, the ACMA considers that finding individual contraventions of the codes would have little regulatory or educative benefit. Instead, the ACMA considers that this investigation would more usefully prompt a productive conversation with industry about whether its codes are adequately framed to deal with this type of material in the future—in particular, perpetrator-generated live streamed extreme violent material.

The ACMA notes that the ABC has started this process by developing a guidance note on the use of material from live-streaming apps on social media.

The ACMA makes the following observations arising from its investigation for industry consideration.

## Material with high impact

There was a clear public interest in audiences being informed about the attack. The ACMA also considers that, in these circumstances, it was appropriate to broadcast very carefully and appropriately selected excerpts of this footage that was proportionate to the public interest.

However, extreme care is required when broadcasting explicit footage of a person being killed. In addition, there are a range of associated images that also require extremely careful treatment.

From the footage the ACMA viewed, it found no material that had been broadcast that explicitly showed a person being shot with injury detail or vision of the person falling to the ground. However, the ACMA identified a series of associated excerpts, treated in a variety of ways by broadcasters, that potentially showed:

* actions that killed a person
* actions that strongly implied that a person would be killed

a person who had just been killed.

Within this context, the ACMA was concerned about:

* Broadcasts—including but not limited to rolling coverage—that used a high degree of repetition of certain depictions within short timeframes. The ACMA acknowledges that there was a limited range of excerpts of the alleged perpetrator’s bodycam footage available to broadcasters who were exercising care. However, excessive and gratuitous repetition may not be proportionate to the public interest and may have the effect of heightening distress or offence to the audience.
* The use in some broadcasts of bodycam footage taken inside the Al Noor mosque. While the identities of dead or injured people were obscured in all cases, the ACMA notes the high impact of this material, given this was the location where so many of the fatalities occurred. The ACMA questions whether the use of this footage, some of which included the sound of the injured, could be properly justified.

Manipulation of audio from the bodycam footage. In one example a comment by the alleged perpetrator was moved so that it coincided with the beginning of another excerpt, rather than where it had been originally said. The ACMA questions whether this practice can be appropriately justified.

## Provision of viewer warnings

The provision of viewer warnings was inconsistent and appeared at times to be insufficient and ad hoc.

While most broadcasters provided spoken warnings before their various news reports, it was not uncommon for broadcasters to use the sort of impactful material contained in those reports in the opening sequences to news programs. These sequences were not preceded by a warning as required by the relevant code provisions.

The ACMA considers that this practice does not properly protect viewers from exposure to distressing or harmful content and undermines the objective of the relevant code provisions requiring warnings.

With respect to the rolling coverage provided by some broadcasters on Friday 15 March, although warnings seem to have been provided prior to the initial use of the bodycam footage, later warnings were less likely to have been provided. In the context of rolling coverage, this failed to address the needs of those viewers who may have joined the broadcast after the first warnings had been provided.

The ACMA considers that broadcasters need to look at the various code provisions concerning the provision of viewer warnings and whether they continue to be adequate. Issues highlighted by this investigation include the adequacy of audio-only warnings and the timing of warnings with respect to the proximity of distressing or offensive content.

## User-generated content

The ACMA considers that broadcasters need to take particular care when selecting and broadcasting excerpts from user-generated content. The availability of this type of content is only set to increase as more citizens publish content, for a variety of reasons and motivations, online.

## Broadcasting and online platforms

The ACMA notes that the availability of violent abhorrent material online was addressed quickly following the Christchurch attack, given the widely recognised shortcomings of online platforms in blocking and removing the alleged perpetrator’s material in a timely fashion. Criminal sanctions against persons who do not remove such material expeditiously were introduced through amendments to the Criminal Code. While use of the material in bona fide news reports is a defence against those sanctions, they may nevertheless have an impact on decisions made by newsrooms in the future.

It is desirable that broadcasting and online regulatory regimes work in tandem in the future. The ACMA considers that it would be beneficial for broadcasters to examine whether the definition of abhorrent violent material included in the Criminal Codethrough post-Christchurch amendments might also be of use in designing specific provisions for the broadcasting codes.

## News content produced overseas

Editorial decisions made overseas resulted in the broadcast of some content, including excerpts from the alleged perpetrator’s bodycam footage, that exceeded the impact of the strongest footage selected by Australian broadcasters.

The ACMA notes that highly impactful and distressing material was broadcast by a subscription narrowcasting service, TRT World, an English-language Turkish news service.

Highly impactful and distressing content was also broadcast during a number of SBS WorldWatch programs.[[5]](#footnote-5) The editorial stance of these news programs can differ from that of their Australian counterparts. Overseas-produced news content is subject to different requirements under the SBS Codes of Practice than SBS-produced news and current affairs.SBS has processes in place regarding the selection, review, oversight and identification of WorldWatch programs. This includes advice to viewers that different standards may apply.

# Appendix A—relevant code provisions

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| Free TV Australia - Commercial Television Industry Code of Practice 2015 (revised 2018) |
| Clause 2.3.3 | News Programs (including news flashes and news updates), Current Affairs Programs and Sports Programs and Program Promotions for news, Current Affairs or Sports Programs do not require classification and may be shown at any time, however a Licensee will exercise care in selecting material for broadcast, having regard to:1. the likely audience of the Program or Program Promotion; and
2. any identifiable public interest reason for presenting the Program or Program Promotion.
 |
| Clause 3.2.1 | In broadcasting a news or Current Affairs Program, a Licensee must:1. not include material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the Program, unless there is a public interest reason to do so; and
2. include a spoken warning before a segment that contains material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers having regard to the likely audience of the Program; and
3. […]
4. exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident; and
5. have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest.
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| ASTRA Subscription Broadcast Television Codes of Practice 2013 |
| Clause 2.2 (b) | In broadcasting news and current affairs programs to the extent practicable Licensees:(i) […](ii) must include only sparingly material likely to cause some distress to a substantial number of viewers;1. must exercise sensitivity in broadcasting images of, or interviews with, bereaved relatives and survivors or witnesses of traumatic incidents;
2. will take all reasonable efforts to provide warnings when there are identifiable public interest reasons for broadcasting material which may seriously distress or seriously offend a substantial number of viewers;

[…] |
| ABC Code of Practice (& associated standards) January 15, 2019 |
| Standard 7.1 | Content that is likely to cause harm or offence must be justified by the editorial context. |
| Standard 7.2 | Where content is likely to cause harm or offence, having regard to the context, make reasonable efforts to provide information about the nature of the content through the use of classification labels or other warnings or advice. |
| Standard 7.5 | The reporting or depiction of violence, tragedy or trauma must be handled with extreme sensitivity. Avoid causing undue distress to victims, witnesses or bereaved relatives. Be sensitive to significant cultural practices when depicting or reporting on recently deceased persons. |
| Standard 7.6 | Where there is editorial justification for content which may lead to dangerous imitation or exacerbate serious threats to individual or public health, safety or welfare, take appropriate steps to mitigate those risks, particularly by taking care with how content is expressed or presented. |
| ASTRA Subscription Narrowcast Television Codes of Practice 2013 |
| Clause 1.1 | The content of program material and advertisements delivered on narrowcast services will be consistent with standards acceptable to the relevant specific audiences involved. |

|  |
| --- |
| SBS Codes of Practice 2014 (revised February 2019) |
| Code 2.3 | The decision to broadcast or publish violent images or sounds is based on their newsworthiness, together with proper regard for the reasonable susceptibilities of audiences to the detail of what is broadcast or published. SBS will not sensationalise violent events, or present them for their own sake. Where appropriate, news segments will be preceded by a warning indicating that some viewers or listeners may find the material distressing.Given that the timing and content of newsflashes are unpredictable, care should be exercised in the selection of sounds and images, and consideration given to the likely composition of the audience.News updates and news promotions which portray elements of violence should generally not be scheduled during content directed at young children. SBS avoids sensationalised and exaggerated treatment of news events. In covering murders, traumas, accidents, funerals, suicides and disasters, SBS expects its program makers to exercise great sensitivity, particularly when approaching, interviewing and portraying people who are distressed. |
| Code 3 | SBS broadcasts and publishes substantially unedited news and current affairs content from other countries and from news agencies which provide automated newsfeeds.In selecting such programming, SBS endeavours to ensure a level of quality which is appropriate to the SBS schedule. SBS will identify the source of this material so that audiences can exercise their own judgement about how issues and information are presented.**3.1 WorldWatch**SBS’s WorldWatch service broadcasts and publishes news and current affairs programs from overseas sources.WorldWatch is provided to cater for the individual language and cultural needs of Australia’s diverse multicultural communities. It provides a unique and regular news service from the home territories of many of Australia’s citizens and visitors in their own language. It also offers all Australians a perspective on world news events. Much of the material is in a language other than English and is not subtitled.WorldWatch programs are drawn from a variety of overseas sources – government, public and commercial – and are often produced and interpreted from particular editorial perspectives.A decision on whether to introduce a new program to WorldWatch is based not only on the size of the language community within Australia but also on a careful assessment of all available programming sources in that language to determine which, if any, is best suited to serving communities’ particular needs as determined in consultation with the community concerned. |

# Appendix B—broadcaster submissions

## Foxtel Cable Television Pty Limited

***Extracts of the Licensee’s submission to the ACMA dated 3 April 2019 concerning Sky News Live***

Sky News Live (the Channel) is produced and operated by Australian News Channel Pty Ltd (ANC) and is provided to Foxtel Cable Television Pty Limited (Foxtel), the licensee, for broadcast. In providing this response, we have sought submissions from ANC.

[…]

**…** we provide the following submissions on the extent to which the Coverage and the associated commentary were made in the course of the broadcast of a matter of significant public interest as was demonstrated by the extent of the coverage on all television services within Australia.

The matters of public interest include, but are not limited to:

* significant issues regarding public safety, i.e. mass shooting event in Christchurch with city wide lockdown and the emergency services response;
* the reporting on serious indictable offences on the basis that the public has a right to be informed of criminal activities and serious anti-social conduct;
* crime inflicted upon innocent members of the public;
* the presence of right-wing extremist activity in New Zealand and Australia;
* gun control and the lack of registration of firearms in New Zealand; and
* the way in which social media platforms are being used to broadcast criminal and similarly unpleasant incidents and the failure of these platforms to respond in a timely and effective manner and the need for a more robust regulatory framework for digital publications (together, the **Matters of Public Interest**).

[…]

**3 Compliance with clause 2.2 of the ASTRA Codes**

*(a) News and current affairs programs, including news updates, broadcast by Licensees must:*

*[…]*

*(b) In broadcasting news and current affairs programs to the extent practicable Licensees:*

*(i) must not present material in a manner which creates public panic;*

*(ii) must include only sparingly material likely to cause some distress to a substantial number of viewers;*

*(iii) must exercise sensitivity in broadcasting images of, or interviews with, bereaved relatives and survivors or witnesses of traumatic incidents;*

*(iv) will take all reasonable efforts to provide warnings when there are identifiable public interest reasons for broadcasting material which may seriously distress or seriously offend a substantial number of viewers;*

*[…]*

Did the broadcast include only sparingly material likely to cause some distress to a substantial number of viewers?

Foxtel submits that it complied with subclause 2.2(b)(ii) of the ASTRA Codes when the highly edited perpetrator-filmed footage (the Footage) was broadcast on the Channel. To support this submission, we have considered the:

* meaning of ‘sparingly’ in the context of subclause 2.2(b)(ii); and
* likelihood of causing some distress to a ‘substantial’ number of viewers.

*Meaning of ‘sparingly’ in the context of subclause 2.2(b)(ii)*

In assessing whether the Coverage complies with subclause 2.2(b)(ii) of the ASTRA Codes, it is necessary to consider the meaning of the word ‘sparingly’. ‘Sparingly’ is defined in the Oxford Dictionary as “in a restricted or infrequent manner”. Based on our interpretation of its meaning, Foxtel submits that the Footage contained in the Coverage was used only ‘sparingly’. ANC exercised care in selecting the Footage for broadcast with material deliberately omitted to reduce its impact. ANC exercised sound editorial judgment in making a range of decisions to reduce the potential for viewers to be distressed by the Footage. Foxtel submits that the Footage selected for broadcast within the Coverage was sufficient to accurately report on the event and only showed the lead up to the shootings and the events following. It appropriately stopped short of including vision inside the mosque or of the shootings of the victims, despite it being available for viewing on Facebook and other platforms, including YouTube.

*Likelihood of causing some distress to a ‘substantial’ number of viewers*

Subclause 2.2(b)(ii) sets a high threshold for a breach, meaning the material must be likely to cause some distress to a ‘substantial’ number of viewers. The word ‘substantial’ is not defined in the ASTRA Codes. However, we understand that the ACMA considers ‘substantial’ to be a considerable number.[[6]](#footnote-6)

The viewing audience for the Channel is a predominantly adult audience. Approximately 84.7% of the Channel audience is over the age of 55. Data is provided by OzTAM in relation to the composition of the Channel’s live audience is set out below:

|  |  |  |
| --- | --- | --- |
| Demographic | Viewers | Profile % |
| 0-24 18 | 18 | 2.0% |
| 25-34 21 | 21 | 2.3% |
| 35-54 | 102 | 11.1% |
| 55+ | 782 | 84.7% |
| *Total People* | *923* | *100.0%* |

By its very nature, the Channel and news and current affairs programs generally are principally directed at an adult audience, and sometimes contain strong material or footage that may be distressing to some younger viewers. Foxtel submits that the assessment of the Coverage should therefore be made in reference to an ordinary, reasonable adult viewer of the Channel.

Foxtel maintains that it complied with subclause 2.2(b)(ii) of the ASTRA Codes when it broadcast the Coverage since the Footage contained in the Coverage was used ‘sparingly’ and was not likely to cause some distress to a ‘substantial’ number of viewers especially when you take into account the predominately adult audience of the Channel and nature of news and current affairs programs.

Did the broadcast exercise sensitivity in broadcasting images of, or interviews with, bereaved relatives and survivors or witnesses of traumatic incidents?

Foxtel considers that the primary intention of this clause is to ensure Licensees use an appropriate degree of care when dealing with victims, witnesses or bereaved relatives to avoid causing further undue distress. Foxtel notes that the Coverage included interviews with witnesses who willingly spoke to TVNZ and SKY UK. The Coverage also included an interview conducted by an ANC reporter with the son of a deceased victim, who provided his full consent and willing cooperation. Foxtel therefore submits that it exercised sensitivity in broadcasting these interviews and complied with subclause 2.2(b)(iii).

Were all reasonable efforts made to provide warnings when there are identifiable public interest reasons for broadcasting material which may seriously distress or seriously offend a substantial number of viewers?

Foxtel submits that it complied with subclause 2.2(b)(iv) of the ASTRA Codes when the Footage was broadcast on the Channels.

*Meaning of ‘seriously’ and ‘substantial’ in the context of subclause 2.2(b)(iv)*

Subclause 2.2(b)(iv) sets a high threshold meaning the material must be likely to ‘seriously’ distress or ‘seriously’ offend a ‘substantial’ number of viewers. The use of the adjectives ‘seriously’ and ‘substantial’ contemplates a very strong response in a large number of viewers.[[7]](#footnote-7) Foxtel does not consider that the material in question reached the high threshold of ‘seriously’ distress or ‘seriously’ offend as the Coverage did not include audible or visual depictions of any injuries and stopped short of including footage of the actual shootings of the victims. The Footage shown was used appropriately, and only to the extent reasonably necessary to report on the factual matters and context of the terrorist attack.

*Identifiable public interest reasons for broadcasting the material.*

In the event that the ACMA is of the view that the material is considered to have met the high thresholds of ‘seriously’ distress or ‘seriously’ offend a ‘substantial’ number of viewers, Foxtel submits that there were identifiable public interest reasons for broadcasting the Footage as part of the Coverage and we refer you to the Matters of Public Interest noted above. The media has a duty to report on matters of public interest and ANC takes this duty seriously, particularly, in relation to providing relevant, timely, independent and newsworthy material to viewers.

Further, Foxtel submits that the use of the Footage within the Coverage was in the public interest in order to fully convey the seriousness and disturbing nature of the situation and inform viewers of concerning issues that are taking place in their community and globally. It is acknowledged that this duty to inform viewers must be carefully balanced against the requirements in the ASTRA Codes. In this regard, ANC took care to ensure that the vision used was not excessively graphic. The Footage broadcast was heavily edited and did not show vision inside the mosque or of the shootings of the victims. Further, at no stage did ANC feature the vision live.

*Reasonable efforts to provide a warning*

Under subclause 2.2(b)(iv) reasonable efforts to provide a warning is only necessary where material is likely to seriously distress or seriously offend a substantial number of viewers. For the reasons outlined above, Foxtel submits that the Coverage did not depict material which may have ‘seriously’ distressed or ‘seriously’ offended a ‘substantial’ number of viewers.

In any event, ANC made reasonable efforts to provide warnings where appropriate. Verbal comments throughout the Coverage put viewers on notice as to the type of content and themes that would be presented in the Coverage. In some instances, written warnings were displayed onscreen, which read:

*“A warning to viewers our coverage of the shootings in Christchurch contains vision which may be distressing.”*

For these reasons, Foxtel submits that it is not in breach of subclause 2.2(b)(iv) of the ASTRA Codes.

[…]

**6 Editing of perpetrator-filmed, live streamed footage of the shootings prior to broadcast**

Foxtel confirms that ANC heavily edited the perpetrator-filmed, live streamed footage of the shootings prior to broadcast with material deliberately omitted to reduce its impact. ANC selected footage that was sufficient to accurately report on the event and only showed the lead up to the shootings and the events following. It appropriately stopped short of including vision inside the mosque or of the shootings of the victims.

[…]

***Extracts of the Licensee’s submissions to the ACMA dated 29 May 2019 concerning TRT World***

[…] Foxtel submits that it complied with [clause 1.1] when the Coverage was broadcast on the Channel – the Coverage was consistent with standards acceptable to the relevant specific audience involved. To support this submission, we have considered the:

* nature of the program;
* target audience of the Channel; and
* nature of the footage selected for broadcast.

*What is the nature of the program?*

As expressed by the ACMA in previous investigations, the nature of the program is a relevant factor when considering acceptable standards because it establishes audience expectations.[[8]](#footnote-8) The Coverage was broadcast during the program, “News” (Program). The purpose of the Program is to provide the latest news from around the world, as well as comprehensive analysis and reporting with a distinctive voice from Turkey. By its very nature, the Program, and news and current affairs programs generally, is principally directed at an adult audience, and sometimes contains strong material or footage that may be distressing to some younger viewers.

*What is the target audience of the Channel?*

The Channel is a Turkish-based, English-language, 24/7 international news channel. The viewing audience for the Channel is a predominately adult audience and skews heavily towards an older audience, with more than half of all viewers over the age of 55. The composition of the Channel’s audience is set out below:

|  |  |
| --- | --- |
| Demographic | Profile % |
| 55+ | 57% |
| 35-54 | 25% |
| 18-34 | 8% |
| 0-17 | 10% |

Source: Multiview AMS, National Database.

Based on the viewing audience of the Program and the Channel, Foxtel submits that the assessment of the Coverage should therefore be made in reference to an ordinary, reasonable adult viewer.

*What was the nature of the footage selected for broadcast?*

Foxtel submits that the Channel exercised sound editorial judgment in making a range of decisions to reduce the potential for the ordinary, reasonable adult viewer to be distressed by the Coverage. The Channel broadcast only short excerpts from the perpetrator filmed footage (Footage) within the Coverage, showing only the lead up to the shootings and the events following, with material deliberately omitted to reduce its impact. Foxtel considers that the Footage selected for broadcast within the Coverage was used appropriately and only to the extent necessary to report on the factual matters and context of the terrorist attack. The Coverage did not include audible or visual depictions of injuries and stopped short of including vision inside the mosque or of the shootings of the victims, despite it being available for viewing on Facebook and other platforms, including YouTube. In addition, verbal comments throughout the Coverage put viewers on notice as to the type of content that would be presented.

Foxtel submits that the use of the Footage as part of the Coverage was in the public interest in order to fully convey the seriousness and disturbing nature of the situation and inform viewers of concerning issues taking place globally. As the Coverage, including the Footage, was undoubtedly about a matter of public interest, we considered it entirely appropriate to report on such events.

Taking into account the predominantly adult audience and the nature of news programs generally, Foxtel does not consider that the broadcast of the Footage within the Coverage would fall outside the expectations of the relevant audience. Arguably, the relevant audience would expect this type of content within a news program. As such, Foxtel submits that the Coverage was consistent with the standards acceptable to the relevant audience.

[…]

## Special Broadcasting Service Corporation (SBS)

***SBS submission to the ACMA dated 2 April 2019:***

[…]

SBS does not have any specific internal policies regarding the broadcast of third party live streamed video. The SBS Codes of Practice and established editorial frameworks apply to such footage as they do to other material.

**Section 1 - SBS comments on compliance with the relevant provisions of the SBS Codes**

As indicated in the table provided to the ACMA on 26 March 2019, SBS coverage captured by the information request included SBS World News and associated promotions, and English language news services from overseas broadcast by SBS.

At the time of this submission, SBS has received no Code complaints about any news coverage of the Christchurch attacks. SBS considers that all of SBS’s coverage on the Christchurch attacks complied with all relevant provisions of the SBS Codes, as below:

[…]

Code 2.3 - Violence and distressing events in news and current affairs

Code 3 - Non-SBS news and current affairs

The SBS World News coverage of the Christchurch attacks falls under two different Codes in the SBS Codes. It is principally covered by Code 2 and to a lesser extent Code 1.

Non-SBS produced news and current affairs is addressed by Code 3 and as such is dealt with separately in this submission.

**1.1 Codes 1 & 2 - SBS World News coverage and associated promotions/updates**

**1.1.1 Information on coverage**

On the 15 March there were news promotions at 4.01pm, 4.58pm, 5.32pm and 5.57pm, leading up to the main 6.30pm SBS World News bulletin. This bulletin contained two news reports on the coverage including two reporters live, one from New Zealand, and one with reaction from the Muslim community in Sydney. It was followed by two news promotions leading up to the SBS World News late bulletin news at 10.30pm on that evening.

On the 16 and 17 March, being a weekend, there was no late news bulletin. Consequently, the SBS World News coverage consisted of two promotions leading up to the main news bulletins at 6.30pm.

The bulletin of 16 March contained three reports about the Christchurch attacks, as well as live reporting from Christchurch and Grafton. The bulletin of 17 March contained three reports with additional live reporting. On each evening there were two additional SBS World News updates around 8.15pm and 10pm.

All of these broadcasts contained material on the Christchurch attacks. The total broadcast time of this material across all SBS World News bulletins, news promotions and updates across the three day period was 3398 seconds. The table provided to the ACMA previously sets out a detailed breakdown of those reports.

Comments regarding compliance with each Code relevant to the SBS news and current affairs reports are set out below, commencing with the ones most relevant to the coverage.

**Background and context**

A deadly attack on people in their place of worship is not a new phenomenon.

Islamist attacks on people in their place of worship have continued sporadically since the early 2000’s. These included the April 2017 suicide bombings by Islamists which killed on 45 Coptic Christians worshipping at cathedrals in the Egyptian cities of Tanat and Alexandria, and more recently in January this year the killing by Islamists of 20 Catholics while they prayed at the Cathedral of Jolo in the Philippines. More recently white supremacists, particularly in the United States, have been responsible for a string of deadly attacks on religious worshippers. In October 2018 a gunman killed 11 people in a synagogue in Pittsburgh, in 2017 another killed 26 people in a Texas church, while in 2015 the white supremacist Dylann Roof killed nine people in the Emanuel African Methodist Episcopal Church in South Carolina. As the New York Times reported on 27 October 2018, “Once again, a gunman entered a house of worship and opened fire.”[[9]](#footnote-9)

These attacks are of public interest around the globe, as governments seek solutions to ensure public safety in places of worship, and increase intelligence work on the dark web where extremists congregate.

The Christchurch attack on 15 March was similar to other fatal attacks by white supremacists on worshippers, however there were also differences in the approach of this killer that had not been seen before and were therefore of very significant news value.

**SBS coverage details**

Relevantly, the principal elements of the SBS World News coverage of the attack by a white supremacist on two groups of Muslim worshippers in their place of prayer were:

* The number of dead and injured.
* The identity and profile of the shooter.
* The identity and profile of the victims.
* The criminal charges against the shooter and his subsequent court appearance.
* The reaction of the Muslim community in New Zealand.
* The reaction of the New Zealand government, New Zealand police and emergency services.
* The reaction of the New Zealand community as a whole.
* The reaction of the Muslim community in Australia.
* The reaction of the Australian government.
* The reaction of people in the perpetrator’s hometown of Grafton NSW.
* The reaction of the Muslim community internationally.
* The reaction of the international community including that of President Trump, Turkey’s President and the British Prime Minister, Teresa May.
* The role of social media in the spread of the extremist’s ideology.
* The use of communication technologies by the shooter both prior to and during the event.
* The availability of guns in New Zealand and gun laws.
* Changes to New Zealand gun laws as a result of the shootings.

The SBS World News coverage across the weekend was thorough and detailed. The overall treatment of these events was one of shared grief and condemnation, and of the coming together of the New Zealand and international communities to support the Muslim community of Christchurch and globally in the aftermath of this act. As the Australian Prime Minister, Scott Morrison, said on SBS World News on 15 March, “We stand here and condemn absolutely the attack that occurred today by an extremist, right wing, violent terrorist.”

As the stories of heroism and bravery of the victims emerged, they were given precedence in the SBS coverage of the incident. On SBS World News on 16 March, Farid Ahmed, the husband of a woman killed at one of the mosques said: “This missing is not going to be just for one day it is going to be for the rest of my life. But on the other hand, I feel proud of her - she was courageous, in a bad situation she was trying to help some other lady.”

The response of the New Zealand government was carried extensively across the three days of coverage including Prime Minister Jacinda Ardern’s immediate condemnation of the attacks; her interactions with the Muslim community in Christchurch; her confirmation that the shooter was licensed and had legally obtained the guns used in the attack; and her decision to seek fast changes to New Zealand’s gun laws.

**The use of the internet by terrorists and by the Christchurch terrorist**

The one element of the Christchurch attacks which was different to all other attacks on worshippers in their place of worship, was that the attacker live streamed his actions via a number of online platforms including Facebook. It showed that the use of social media by a terrorist or potentially a terrorist group had reached a new level. This was a crucial newsworthy element to the news coverage of the Christchurch attacks.

The material sparked active debate online, with many voices, including that of the New Zealand Government, calling for the material not to be shared. Such discussion was also newsworthy – should such material be censored and erased or does it need to be acknowledged and properly handled?

SBS considers that these issues were central to some of the public questions being asked in the wake of the attack, and a matter of significant public interest and debate. It was therefore important that these matters be responsibly addressed and presented to the audience, as the guiding principle of Code 2 of the SBS Codes is that “SBS believes in the right of the audience to make up its own mind after an objective presentation of the issues.”

The use of social media, and indeed the media itself, by terrorist groups to terrorise, to publicise their cause or themselves, is part of their weaponry and is not new. There are numerous examples of this.

For example, in 2007 an undergraduate student of Virginia Polytechnic Institute killed 32 people on a shooting rampage. Prior to doing this, he had sent his manifesto and video of himself reciting ramblings of that manifesto to NBC News in New York, in the hope of disseminating his message and his image. He was to some extent successful in that, and the television coverage of that event was seen live to air in the US and around the world on CNN.

Beginning in 2014, ISIS repeatedly used YouTube to publish chilling footage of its soldiers beheading opponents and hostages. These were frequently posted to social media sites and found their way, in highly edited forms, into mainstream professional news coverage, including on broadcast news services. Those visual images were contained however they were sufficient to confirm that these horrific actions had happened without completely censoring them. Such images, when used appropriately and subject to responsible editorial judgment, do have public interest significance; in this case prompting wide ranging action and condemnation from the international community, as well as illustrating the security challenges presented.

[The perpetrator] (hereafter, the perpetrator) took this a step further. He used cheap technology to live stream his shooting attack. Technological advances now allow individuals to easily record and live stream from a range of devices that are affordable and readily available, including mobile phones and in the case of this incident, a GoPro camera. The Christchurch attack was proof that at least one person was prepared to film himself killing people on camera live to a global audience. The public interest concerns in this cannot be overstated.

The perpetrator used his GoPro camera to live stream his preparation and attacks on the mosques in Christchurch. He showed real people, being killed violently in real time live online. Communities tried to act immediately to stop this, social media companies unpublished millions of pages, but disturbed individuals slightly amended algorithms to republish. These were extraordinary newsworthy developments that required responsible coverage, which is what SBS delivered to its audiences.

The abuse of cheap digital communication technologies is an issue of widespread public concern as communities seek to ensure public safety in cyberspace as well as on public streets. Governments around the world are scrambling to produce public policy responses to such events.

**SBS World News - live stream footage[[10]](#footnote-10)**

SBS World News showed only 24 edited seconds of the perpetrator’s live stream footage. It was shown once in both the 6.30pm news and the late news at 10.30pm on the first night of coverage on 15 March. The footage did not show the [alleged] perpetrator’s face. It showed his point of view (**POV**) from within his car as he travelled to the Al Noor Mosque. It included a rocky and blurry pan across his rifles, the sound of music playing in the car and his POV as he walked towards the mosque.

The accompanying voice over stated:

One gunman live streamed the shooting, the start of a horrifying video shows him driving to Al Noor Mosque rifles by his side, playing music as he neared the complex. On Twitter he identified himself as Australian born 28-year-old [the perpetrator]. (3. 47… 4.11)

This was a responsible and restrained use of the available material. SBS selectively edited the material to show only enough to prove the perpetrator had a large cache of weapons, that he drove to the mosque and walked into the mosque’s grounds, and that he filmed himself and was streaming his actions live as he carried out his attack.

This minimal and contained use of the visual material available from the live stream content was required to inform the audience of the unprecedented nature of this event, and enable them to quickly understand key elements of the incident.

The footage demonstrated the attack was premeditated, highly planned, militaristic in nature, motivated by ideology and enabled by a number of high powered weapons.

This is the first time in history that a terrorist streamed his actions live and therefore the live stream material itself was also significantly newsworthy. SBS World News gave due consideration to the most restrained and responsible way in which to include the material in the news bulletin. Only a minimal amount this footage was used. The material selected was not unduly graphic or unduly distressing and it was carefully packaged within the report for clear reasons of the highest public interest.

The [alleged] perpetrator’s face is not seen in the footage and no interaction between the terrorist and any other person is seen. The focus of this short sequence is on the technology, and the capacity to see the terrorist’s POV just prior to the attack itself.

This material is contextualised as it is immediately followed by the journalist reporting his motive:

In a long manifesto (not shown) he described himself as just a regular white man saying his motivation was to directly reduce immigration rates to European lands.

In the 6.30pm bulletin this manifesto description is covered by images of some victims arriving by ambulance at the Christchurch hospital.

In the late news bulletin the description is covered by the widely circulated selfie of the perpetrator taken from the GoPro footage, which shows him looking at the camera in his car.

On 15 March during an interview between New Zealand reporter Anna Burns Franklin and SBS World News presenter, Anton Enus, the community was warned not to look for this material online:

The police have said that this certainly is an attack we must not stand for and that obviously reflects back on to that video that we have seen a lot of talk about today, with all authorities saying don’t share it, don’t engage in it, this is not an activity we want to have any part of as New Zealanders, we just won’t stand for it.

The perpetrator had an ideology he wanted to spread, it was an ideology which drove him to kill, and it was one which he knew would make him an international news story. Communication technologies provided him with the means to access chat rooms, publish his beliefs, and stream his murderous acts. The use of this largely free and accessible publishing and transmitting mechanisms by any citizen has both liberating and dangerous consequences. It is an issue of clear public interest and is highly newsworthy.

From the first day of the SBS World News coverage of Christchurch, the issues of global terrorism and the use of the internet and social media in fuelling it were covered. It was referenced in the report by Matt Connellan midway through the 6.30pm news. This was the first time SBS viewers saw an image of the [alleged] perpetrator’s face, and it was the same GoPro selfie referenced above. This time it was used to illustrate the script line:

Australian man [the perpetrator] is in custody along with two others. His manifesto made it clear that this was an act of terror.

The purpose of that description was to set up the interview with Dr Joshua Roose from the Australian Catholic University about the dangers of disaffected people gathering online to create violence:

These groups seek to polarize, they seek to tear the community apart, and in so doing, they are seeking to inspire others to act and to create a cycle of violence.

On SBS World News on 16 March, the former Mayor of Christchurch, Sir Bob Parker, also discussed the spread of murderous ideas on line:

...we are part of a global community now and everyone is in touch with everyone else, and ideas can be virus, and a bad virus, and it finally reached here and its incredibly tragic very sad…

On SBS World News on 17 March, the New Zealand Prime Minister Jacinda Ardern confirmed that her office was among dozens who received a copy of the shooter’s manifesto nine minutes before the attack. She said, “Had it provided details that could have been acted on immediately it would have been but unfortunately there were no such details.”

SBS reported the global reaction to this development, including confirmation in the coverage of 17 March that Facebook had taken down 1.5 million social media videos containing the perpetrator’s live stream footage. It also included New Zealand Prime Minister Jacinda Ardern saying, “I have had contact from Sheryl Sandberg [CEO of Facebook]. This is an issue I will be looking to be discussing directly with Facebook.”

**Editorial considerations**

There were strong editorial reasons to use a contained portion of the GoPro footage and the perpetrator’s GoPro selfie, to reference the existence of the manifesto, and to report on the online environment in which the disaffected and violent gather.

Although this was an element of SBS’s news coverage, the overall emphasis of the SBS coverage was about honouring the victims of the attack. There was also a strong focus on the coming together of the New Zealand and global community to support the victims, to condemn the action of violent right wing extremists, and to express concerns about the ubiquitous nature of social media and the challenges it presents to security services attempting to stop such attacks occurring.

The use of the live stream by the perpetrator in the 15 March report showed that a terrorist had now published his actions in real time outside the current reach of public policy. Separate to the violent acts, this imagery raises public safety concerns, and as such some contained use of it was necessary and newsworthy.

Code 2.2 provides for news editors to decide the content included in any program when it states that, “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.” SBS has robust editorial processes and frameworks in place which includes appropriate upward referral for contentious matters.

SBS considers that the decisions the editorial staff made were the appropriate decisions across all three days of this coverage. Although SBS’s coverage was extensive and detailed, it was at all times measured, contained and responsible, and it was consistent with the highest standards of professional news production.

Overwhelmingly, the weight of the coverage remained focused not on the perpetrator or his acts, but on the suffering of Christchurch’s Muslim community, and the coming together of the New Zealand community and government, and of the governments and communities of all faiths around the world in support.

**1.1.3 Comments in relation to Code 2.3 (Violence and distressing events in news and current affairs)**

The relevant provisions are:

The decision to broadcast or publish violent images or sounds is based on their newsworthiness, together with proper regard for the reasonable susceptibilities of audiences to the detail of what is broadcast or published.

SBS will not sensationalise violent events, or present them for their own sake. Where appropriate, news segments will be preceded by a warning indicating that some viewers or listeners may find the material distressing.

Given that the timing and content of newsflashes are unpredictable, care should be exercised in the selection of sounds and images, and consideration given to the likely composition of the audience.

News updates and news promotions which portray elements of violence should generally not be scheduled during content directed at young children.

SBS avoids sensationalised and exaggerated treatment of news events. In covering murders, traumas, accidents, funerals, suicides and disasters, SBS expects its program makers to exercise great sensitivity, particularly when approaching, interviewing and portraying people who are distressed.

**SBS World News - live stream footage[[11]](#footnote-11)**

SBS World News used a brief extract of material from the shooter’s GoPro footage live stream and his GoPro selfie only on the first night of the coverage on 15 March 2019. SBS considered this material should be shown to its audience once for information, identity and verification purposes. In addition, the footage provided important editorial context in that it showed the attack was premeditated, highly planned, militaristic in nature, motivated by ideology and enabled by a number of high powered weapons.

After the first evening of coverage, that material was only verbally referenced but not shown on the subsequent two nights of coverage. On the occasion it was used, the footage was used selectively and in a limited and highly contained manner. The vision is blurry and unstable and this further reduces its intensity. Although this is the perpetrator’s footage, his face is not seen in any of the GoPro material used. It shows him driving to what we now know was the Masjid Al Noor Mosque and alighting from the vehicle and walking towards the mosque. No violence was shown, there was no contact seen between the perpetrator and any other person, and although rifles were shown in the car, there was no image of the shooter holding a rifle, or of a rifle being loaded or readied for action.

The only image of the shooter seen on the day of the attack was of his GoPro selfie. This was an attack by a white man, and that image confirmed what was in television news terms an essential detail. It was the most serious attack by a white supremacist in the history of Australasia. The wording on his rifles was blurry in the SBS World News GoPro image, but the wordings were from his racist manifesto. The GoPro footage used by SBS World News provided viewers with a limited indicative look into the deranged world of a white supremacist, whose actions were the news story of that day and were of significant public interest.

**Warnings**

SBS provided an in-program warning to viewers at the commencement of the opening news report about Christchurch on 15 March in both the 6.30pm and the late bulletin at 10.30pm. It was a newsreader warning under visuals displaying text on screen of the major developments at the time. The text read: “Schools/homes in lockdown. Explosive Devices and 4 people in custody.” The accompanying voice over was:

Nearby schools and homes were placed into lockdown. Later it was confirmed a number of improvised explosive devices has been attached to vehicles – they’ve now been defused by the defence force. Four people were arrested. One of them an Australian man who live streamed video of the attack – and a warning some of that vision is contained in this report.

SBS World News did not use the word “distressing” in its warning, as the incident was already well known in the public domain by the time the broadcasts went to air, and it was self-evident that such coverage would be highly distressing. SBS chose instead to be more specific in the actual detail of the warning, providing viewers with an opportunity to decide whether or not they wished to watch any of the live stream video. The live stream video footage was by the time of the broadcast a point of widespread discussion in the public domain.

**Measured selection of broadcast material**

The SBS audience did not hear any sound of the shootings or see any images of the shootings. All key visual elements related to violence shown in the coverage across the three days, including the live stream material, were at the low end of intensity for visual material:

* No images of blood or bloodied bodies or injured bodies were seen.
* The images of the injured were restricted to extreme wide shots of ambulances arriving at Christchurch hospital and the injured fully covered being taken into emergency.
* There were various uses of mobile phone footage in the coverage; this footage mainly showed some police arrests in extreme wide shot. The use of mobile phone footage from the scene of an event is now regularly used by the news media to provide visual evidence of what occurred at the event before the news media has had time to get to the location. Another recent example of this was the use of mobile phone material in television news services on 9 November 2018 to show another fatal terrorist incident in Bourke St in Melbourne. The use of mobile phone material in the Christchurch coverage was no different, it provided essential context.
* On 16 March, there was additional mobile phone footage used. This was a post to social media by a Christchurch victim from his hospital bed, “*Please pray for my son, and for me and for my daughter.”*

On 17 March, SBS World News carried an interview with the brother of one of the victims, Rizwan Rashid Butt, who said he had seen the live stream footage and described the consolation he was able to take from the worst of situations:

I saw that video and the first thing I wanted to see was the look in his eyes, I did not see an iota of fear in those eyes that made me proud, what a brave man he was.

The tenderness of this grieving brother’s words also indicates that, in line with the Codes, SBS reporters exercised “great sensitivity, particularly when approaching, interviewing and portraying people who are distressed.”

There was no element in the SBS World News coverage which was gratuitous or exploitative. The few images of grieving relatives and shocked worshippers who had escaped, were all clearly taken from some considerable distance and often on a very long lens. The interviews that were obtained with people directly affected showed them clearly cooperating with the news media. There was no sense of coercion about their involvement and they were treated respectfully.

**No complaints received**

The fact that SBS has not received a single Code complaint about the news coverage of the Christchurch attacks indicates that the SBS World News team had acted, as the Codes require, “with proper regard for the reasonable susceptibilities of audiences to the detail of what is broadcast or published.”

**1.2 Comments in Relation to Code 3 – Non SBS news and current affairs (in English)**

**1.2.1 WorldWatch Bulletins (English language) – 15-17 March**

SBS WorldWatch broadcasts 47 international news bulletins on SBS and SBS VICELAND from 42 of the world’s broadcasters including seven services in English from the world’s leading broadcasters, the BBC, Deutsche Wellie, France 24, Al Jazeera, NHK (Japan), CGTN (China) and PBS (United States).

These services present the best of world’s news broadcasts to the SBS WorldWatch audiences. These are audiences SBS considers to have cultural or familial links to the various regions represented by a particular broadcaster. The editorial standards of those broadcasters reflect the cultural sensibilities of their locations and this is apparent in the WorldWatch content. These programs are accompanied by a banner highlighting that they are overseas bulletins, rather than SBS produced news.

Thirteen programs from these broadcasters were broadcast on either SBS or SBS VICELAND between 15 and 17 March 2019. These were broadcast under the provisions of Code 3 (incorporating 3.1 - WorldWatch) of the SBS Codes.

The relevant provisions of Code 3.1. are

* SBS’s WorldWatch service broadcasts and publishes news and current affairs programs from overseas sources. WorldWatch is provided to cater for the individual language and cultural needs of Australia’s diverse multicultural communities.
* It provides a unique and regular news service from the home territories of many of Australia’s citizens and visitors in their own language.
* It also offers all Australians a perspective on world news event.
* WorldWatch programs are drawn from a variety of overseas sources – government, public and commercial – and are often produced and interpreted from particular editorial perspectives

The following table lists all the English language WorldWatch programs broadcast that contained coverage of the Christchurch attacks and the date and time of broadcast.

| **DOB**  | **Name of Broadcaster**  | **Name of news program**  | **SBS Channel** | **Time Shown in Australia** |
| --- | --- | --- | --- | --- |
| 16.03.2019 | CGTN (China Global Television Network) | The World Today | SBS | 0500 to 0515 |
| 16.03.2019 | NHK | Newsline | SBS | 0515 to 0530 |
| 16.03.2019 | DW (Deutsche Welle) | DW News | SBS | 0530 to 0600 |
| 16.03.2019 | France 24 | LIVE from Paris | SBS | 0600 to 0630 |
| 16.03.2019 | Al Jazeera | Al Jazeera news | SBS | 0630 to 0700 |
| 16.03.2019 | BBC | News at 6 | SBS | 0700 to 0730 |
| 16.03.2019 | PBS | PBS NewsHour | SBS | 1300 to 1400 |
| 16.03.2019 | PBS | PBS NewsHour (Repeat) | SBS Viceland | 1605 to 1705 |
| 17.03.2019 | CGTN (China Global Television Network | The World Today | SBS | 0500 to 0515 |
| 17.03.2019 | NHK | Newsline | SBS | 0515 to 0530 |
| 17.03.2019 | DW (Deutsche Welle) | DW News | SBS | 0530 to 0600 |
| 17.03.2019 | France 24 | LIVE from Paris | SBS | 0600 to 0630 |
| 17.03.2019 | Al Jazeera | Al Jazeera news | SBS | 0630 to 0730 |

The Christchurch mosque attacks were the international news story of the day for all major broadcasters on 16 March (depending on the time zone). It remained the lead story on 17 March, except for the bulletins of the European and Chinese based broadcasters who led with reports on the major riots in Paris before returning to their New Zealand coverage.

In broadcasting these programs, SBS relies on the editorial standards of these international broadcasters which are generally comparable, although at times, differences in taste and emphasis are evident as each autonomous broadcaster services the needs of its particular audience.

This can be seen most regularly with the level of detailed imagery a broadcaster is prepared to incorporate in their bulletins. NHK reflects a Japanese sensibility which is different to that of the BBC’s or that of the Spanish broadcaster and Middle Eastern broadcasters who typically sit at the higher end of the arc of visual representation.

These differences are partly what make WorldWatch interesting to watch. In general, the closer the broadcaster is to an event in either geographical, religious, cultural or political terms the more extensive and intensive the coverage will be. For example, the European communities led with the Paris Riots on 17 March, while the broadcasters with religious or cultural ties with New Zealand kept their focus on the Christchurch attacks, leading with that for a second night.

**Comments about the footage used**

SBS has supplied the ACMA with an Excel list of broadcasts for the period, including all of the requested WorldWatch programs listed above. The following are some contextual remarks to inform that Excel list.

No perpetrator live stream footage was used in any of these WorldWatch programs. The BBC and PBS covered the story extensively in their reports, including addressing the perpetrator’s use of technology. Both these broadcasters used the perpetrator’s GoPro selfie to identify him and illustrate, in a restricted form, that the perpetrator had taken the next step in the terrorist technological arsenal and live streamed his attack to the world as it happened.

All broadcasters used the footage of the [alleged] perpetrator in court with his face blurred. SBS understands that the New Zealand court requested the [alleged] perpetrator's face be blurred. TVNZ provided the pool footage, and added the blurring before providing the footage to the international news agencies for distribution.

France 24 was among some broadcasters who used stills of the perpetrator’s guns covered with slogans which had been posted on Twitter. France 24 was also among the other broadcasters PBS (United States), and BBC (United Kingdom) who included some vision from the perpetrator’s manifesto “The Great Replacement” to illustrate his motive and to discuss it. Each of these three countries has experienced extremist attacks and it is interesting to observe the commonalities in their reporting of the Christchurch attacks, although stylistically there are clear differences in tone and style.

Most broadcasters used mobile phone footage of the arrests being made on 15 March and some mobile phone footage of grieving people. A number of broadcasters used part of the social media post by New Zealand’s international sporting identity, Sonny Bill Williams, who had converted to Islam in 2009, and was visibly distressed.

Al Jazeera’s coverage contained an additional element which was exclusive to their coverage. The Doha-based broadcaster had arguably the strongest cultural and religious ties with the Christchurch victims, and through those connections, they obtained mobile phone footage from a survivor of the attacks who provided it voluntarily.

Al Jazeera did not show any live stream footage. It chose to use only the survivor footage reflecting their strong editorial focus on the victims, rather than the perpetrator.

It used some mobile phone survivor in their coverage on both 16 and 17 March. It shows dead and injured people, at times blood is visible although no wounds are seen. Al Jazeera moderated the footage to blur out the most graphic material. The content is far from well defined, its continuous instability captures the palpable panic of the Muslim worshippers who survived the attack.

Al Jazeera is a Middle East broadcaster, which in recent times has regularly and extensively covered the Islamists attacks in Africa, the war in Syria, and the war in Yemen, not to mention the ongoing tensions in the Middle East itself. The survivor mobile phone material is consistent with the level of visual content Al Jazeera regularly uses for television news purposes. Al Jazeera advised SBS: Al Jazeera’s editorial standards permit the use of selected content to highlight the extensive depth of a story being covered. Furthermore, editorial standards stipulate that violent scenes should not be shown unless they are important elements of a news story.

Likewise, the German broadcaster, Deutsche Welle was the only broadcaster to use a still of a bloodied overstretched hand as effectively vision behind the studio host when discussing extremism with a security expert.

So while there are differences between these major broadcasters they have more in common than not. All WorldWatch broadcasters used the following key visual elements at some time during their coverage.

1. Mobile phone footage of the arrests
2. Mobile phone footage of grieving people
3. Visuals of police searching for suspects
4. Visuals of in the streets
5. Visuals of ambulances arriving at Christchurch Hospital
6. Visuals of the ever-increasing flower memorial
7. The [alleged] perpetrator’s court appearance with his face blurred.

All of these elements were at a low level of impact. The mobile phone footage of the arrests is wobbly and in extreme wide shot. The footage of grieving people is not intrusive and the footage of ambulances arriving at Christchurch hospital was similarly contained. The strongest of these images show some victims being wheeled into the hospital on their trolleys. The victims were not in close-up, only minor details of blood or injury was visible, and then only rarely. Compared to similar coverage of the terrorist attacks, including the recent London Bridge and Paris attacks this material was well within the range of such content regularly used by new services during a major terrorist incident.

The broadcasters’ coverage highlighted interviews with the New Zealand Prime Minister, the New Zealand Police Chief, eyewitnesses and survivors and local Christchurch residents. This was combined with a range of international responses including at various times those of the Australian Prime Minister, the Presidents of the United States, Turkey and Indonesia as well as a range of security and terrorism experts.

**1.2.2 Vice News Tonight – 16 March**

Vice News is an offshoot of Vice Media, which began as a web-based information/entertainment service in 2013. From 2015, Vice News has produced a television service in partnership with US cable network HBO.

SBS broadcasts Vice News Tonight under the provisions contained in Code 3 (Non-SBS News and Current Affairs) which states:

SBS broadcasts and publishes substantially unedited news and current affairs content from other countries and from news agencies which provide automated newsfeeds. In selecting such programming, SBS endeavours to ensure a level of quality which is appropriate to the SBS schedule. SBS will identify the source of this material so that audiences can exercise their own judgement about how issues and information are presented.

The Viceland schedule changes throughout the year in line with HBO’s schedule. The only Vice News content captured by the ACMA’s Christchurch inquiry was the material included in Vice News Tonight broadcast by SBS on 16 March at 5pm.

This was the only Vice News content captured by the terms of the ACMA Christchurch request.

The opening of the program ran an introductory series of headlines which included the words “TERROR” in relation to the Christchurch attack.

During the broadcast of the program, there were two Vice News Tonight stories on Christchurch. The first ran for 1 minute 24 seconds and was focused on the event itself. The second was an analysis piece which ran for 3 minutes and 14 seconds. The first story used two sections of the live stream material; the second story did not show any of the live stream material.

Total coverage of Christchurch attacks on Vice News Tonight was 4 minutes and 38 seconds. The Christchurch section began 2 minutes into the program.

**Comments - First Vice News Tonight report**

At 2 minutes and 4 seconds into the program Vice News Tonight returned to the TERROR headline leaving it on screen for 4 seconds without sound. This merged into 8 seconds of mobile phone footage from inside the Linwood Mosque immediately after the perpetrator’s attack, also shown without sound.

While the images fleetingly show people that appear injured or dead, a high level of blurring had been applied to these images, and they concentrate on the general shock and reaction of the survivors. Such usage makes this material indicative rather than explicit. SBS contacted Vice News who submitted that they accessed this mobile phone footage from “Punjabis in Auckland” Facebook account.

The report then detailed the attacks, and in doing so it used two different sections of the perpetrator’s GoPro live streamed footage.

Vice News Tonight is a program which regularly features stories about digital cultures to its media savvy audience, and as such it took a particular interest in the perpetrator’s use of technology in his attack.

The first section of live stream material runs for 11 seconds and was shown full screen. It shows the perpetrator in his vehicle, filming himself for his selfie image, alighting the car with a gun in his hand, and moving guns around in the boot car. The voiceover states:

[the [alleged] perpetrator] identified himself as the killer online where he posted a live stream of the attack recorded from a helmet mounted camera. That footage appeared to show symbols of white power.

The second section of the live stream is shown playing within a Facebook page reducing the size and intensity of the material. It runs for 16 seconds. This time the material is of the inside of the perpetrator’s car and the perpetrator is not seen except for his padded black trousers. The live stream is unstable and mainly shows weapons within the vehicle. It is used to illustrate the voiceover:

While Facebook, Twitter and YouTube scrambled to take the video down, it had already been downloaded, and was then ceaselessly reposted on the same sites often with small tweaks designed to evade the blocking algorithms that the platforms used.

Both uses of this material were relatively short. They were not gratuitous or enhanced and were reasonably applied to illustrate key aspects of this event. Vice News submitted to SBS that it obtained the live stream material from Storyful, a US based content supplier.

The second part of the report used some of the perpetrator’s Facebook account which began over the words “symbols of white power” referred to above. This section includes images of the perpetrator’s general social media postings, some separate social media images of his gun, as well as some images of his manifesto.

After discussing the technology the perpetrator used in preparing for and carrying out the attacks, the focus shifted to references to New Zealand’s gun laws.

This section was illustrated by a photographic sequence of still images of the survivors and associated Christchurch images from 15 March. Vice submitted that “these images are sourced from AP, with the exception of the last 3 before we cut to the Prime Minister – which are from Getty.”

Such a still photographic treatment of the survivors of a terrorist attack again reflects Vice’s atypical magazine style. No other major news broadcasters treated the material in this way on that day. Television news broadcasts prioritise moving images over stills. A still photographic essay emerges from the tradition of photographic news magazines. A recent example being Time magazine’s coverage of the 9/11 attacks.

Likewise, unlike mainstream news broadcasters, Vice News Tonight does not use a news anchor. Instead it bridges its two reports on Christchurch with actuality of the New Zealand Prime Minister, Jacinda Ardern, saying, “I can tell you one thing right now, our gun laws will change.”

**Comments - Second Vice News Tonight report**

The second Vice News Tonight story runs for 3 minutes 14 seconds. It is a piece by the Vice News reporter Elle Reeve.

It is a story which describes how the virus of white supremacy becomes particularly potent in periods where the political discourse is increasingly polarised. Reeve discusses extreme right- wing ideology, how it is lived in chatrooms on the web. She details how the perpetrator accessed sites dedicated to the far right and produced his own contributions to those sites, through his memes and his manifesto, before inciting himself to act.

No material from the perpetrator’s live stream was used in the Reeve piece. It used various images of the relevant chatrooms, memes, some of the perpetrator’s social media postings and images from the “Great Replacement Manifesto” to illustrate its points.

Reeve’s piece identifies the song the perpetrator was playing on his live stream as he drove towards the first mosque. Vice News Tonight did not show the perpetrator playing that song but instead showed a grainy clip of a Serbian solider singing it. Reeve states “He played a song from a 1990 Serbian anti Muslim propaganda video known as Remove Kebab.”

This material was used as an example of how extreme ideologies create and circulate a range of artefacts to promote their cause, and that such material is then adopted and re-used by others for their particular purpose.

The tone and style of this Christchurch explainer is clear from the beginning. Reeve commences:

[the [alleged] perpetrator]’s manifesto is the product of an online white power sub culture concentrated on two anonymous message boards 4chan and 8chan. Those boards are fixated on the idea of a quiet genocide being carried out against white people, through immigration, intermarriage and declining white birth-rate.

Reeve goes on to analyse the perpetrator’s manifesto “The Great Replacement” and details various historical, cultural and political events which appear to have influenced him. She points out that the longest section of the manifesto is a section about radicalisation of Western men and their loneliness and alienation.

The piece concludes with US President Donald Trump signing the first presidential veto to stop a Congressional resolution by the Democrats to limit spending on the border wall, which also occurred during the same 24-hour period as the Christchurch attacks. Donald Trump says. “we are on track for a million illegal aliens to rush our borders, people hate the word invasion, but that is what it is.”

By ending its News Zealand coverage on this grab of Donald Trump, Vice News Tonight places the perpetrator’s actions within a highly polarised and politicised public sphere, and infers a portion of blame can be attributed to the force of Donald Trump’s rhetoric.

**Section 2 – Production information – Comments on whether SBS edited any of the perpetrator filmed, live streamed footage before it was broadcast**

**2.1 SBS World News**

On the 15 March 2019 SBS World News used the same short section of perpetrator filmed live streamed footage in both the 6.30pm and late news bulletins. It was used once in each bulletin in the lead packaged report of the day. The live stream material was not used on any other night of the SBS World News coverage.

Its usage on the day of the attack only was tightly controlled editorially, and was used selectively for valid public interest reasons. An in-program warning was used on each occasion. When incorporated into the lead story it was not used as the initial vision in that report, it was used appropriately contextualised within the body of the report for clear editorial reasons. The material was newsworthy however SBS World News also recognised its extreme sensitivity, and therefore did not use any of the live stream material in either the SBS World News headlines or subsequent news promotions.

SBS World News became aware of the existence of a live stream video through social media and found it around 1.15pm AEDT. It was widely available at that time on the afternoon of 15 March on various platforms. SBS World News sourced the material from https://streamable.com/wtpvo

SBS received the full perpetrator video which was 10 minutes in duration (technically it was 9:59 and 23 frames) SBS’s editorial staff isolated 30 seconds of the least explicit sections of the material, and this was further reduced to 24 seconds upon additional consideration prior to broadcast.

The section used did not show the [alleged] perpetrator’s face, only his POV from the live stream. SBS did not show the perpetrator holding a gun, or any interaction between the perpetrator and other persons.

The reasons for the limited use of the live stream footage on 15 March are addressed at length within Section 1 of the submission regarding Code compliance.

SBS took a number of measures to safeguard the wellbeing of staff who were involved in the editing of the relevant footage.

**2.2 SBS WorldWatch**

No perpetrator filmed, live streamed footage was shown on any WorldWatch broadcasts in English between 15 and 17 March 2019.

**2.3 Vice News Tonight**

On 16 March, Vice News Tonight used two short sections of the perpetrator filmed live streamed footage. SBS did not re-edit the material received from Vice News. This material is addressed at length within the Vice News submission.

***SBS further submission to the ACMA dated 29 May 2019:***

[…]

Code 3 is not prescriptive as to how the overseas bulletins should be presented. The Code simply states that ‘SBS will identify the source of this material’. SBS relies on a range of mechanisms to convey this information, depending on the particular program and the relevant audience.

In relation to the two Al-Jazeera bulletins, both of these included a SBS WorldWatch banner graphic at the beginning which identifies the bulletin as: ‘SBS WorldWatch // Doha QATAR // Al Jazeera News’. This banner graphic is one of the ways that SBS identifies non-SBS news and current affairs in relation to Code 3.

It is relevant to note that SBS recently reviewed the way in which programs under Code 3 are identified, with changes commencing from 1 April 2019.

Prior to 1 April 2019, the extended notification referred to in your query was not screened directly before any English language bulletins - these were simply preceded by the banner graphic. Bulletins in languages other than English were accompanied by both the banner graphic and extended notification.

However, for the avoidance of doubt, the extended notification and banner graphic are now placed before all bulletins. The extended notification was updated shortly thereafter to include a reference to the fact that the program may contain distressing material.

[…]

SBS Code 3 provides:

SBS broadcasts and publishes substantially unedited news and current affairs content from other countries and from news agencies which provide automated newsfeeds. In selecting such programming, SBS endeavours to ensure a level of quality which is appropriate to the SBS schedule. SBS will identify the source of this material so that audiences can exercise their own judgement about how issues and information are presented.

As noted above, Code 3 does not contain prescriptive notification, branding or identification requirements for non-SBS news and current affairs.  In considering the identification of such material, SBS takes into account the source of the material, the audience, and the program itself.

Vice News Tonight is broadcast on SBS VICELAND. SBS VICELAND is known for its cutting-edge, contemporary programs made by and for young people, about the global and local issues that matter to them.

The audience for Vice News Tonight is significantly different from the audience for other non-SBS news and current affairs. Consequently, it is presented in manner suitable for its unconventional style and its younger skewing, more media literate audience.

Vice News Tonight is a hybrid news and information service which seeks to reconnect its target audience with issues of public interest by using the idiom and style of US urban street culture to tell stories, and capture their attention. The program is clearly identified as “Vice News” in the opening moments of the program, via the graphic textual introduction at the commencement of each program.

This irreverent and unconventional style places a dominant emphasis on text on screen in a manner which is highly unusual for any traditional or conventional news service. This graphic textual introduction lasts at least 90 seconds for each episode and summarises the content coming up in the program for the evening.

On March 16, the broadcast captured by the enquiry, the introduction with graphics, including additional vision and audio material, went for two minutes. It read:

VICE NEWS. MARCH 16, 2019. TERROR. CLIMATE. TERROR. CLIMATE. BABY SHARKS. BABY SHARKS, BUT FIRST. TRUMPS FIRST VETO; ÉXHUMING A FACIST; FIGHTING THE ICC. SEPT.10, 2018. ANTI ABORTION STAND

SBS considers that this distinctive stylistic approach by Vice News Tonight, when taken with the branding, renders redundant any use of either a banner graphic or an extended notification.

Critically, there is clear Vice branding in the program introduction, followed by the program being clearly identified as “Vice News” in the opening of the distinctive text stream.  The same VICE/Vice News branding is played at the end of the program. This clear labelling and distinctive style means that it is reasonable to expect that the Vice News Tonight audience would understand that it is not news produced by SBS.

The Vice News Tonight style is to encourage the viewer to be more engaged, and as such the program laid out the main issues of the day and provided a level of analysis and coverage that the viewer could reasonably expect in the context of its presentation on SBS VICELAND. Vice News Tonight on 16 March was identified and presented in a manner which allowed the viewers to exercise their own judgement regarding the presentation of issues and information, in line with Code 3.

However, notwithstanding the above, for the avoidance of doubt the extended notification referred to above is now played before Vice News Tonight, including the reference to distressing material.

***Broadcaster submission to the ACMA dated 16 July 2019:***

[…]

Although distinct from the processes associated with SBS World News and other news content produced internally, SBS does have processes in place regarding the selection, review, oversight and identification of WorldWatch programs.

This should be acknowledged in the Final Report, or it could mislead the public into thinking that such programming was not subject to any controls at all.

[…]

Furthermore, while the SBS Codes of Practice set out different provisions applying to SBS-produced news services, Code 3 expressly deals with news content produced overseas. This should be reflected accurately in the Final Report.

The first act of editorial control is the exercise of discretion in the selection of programs by SBS for broadcast, pursuant to Code 3:

In selecting such programming, SBS endeavours to ensure a level of quality which is appropriate to the SBS schedule.

Code 3 also provides:

A decision to introduce a new program to WorldWatch is based not only on the size of the language community within Australia but also on a careful assessment of all available programming sources in that language to determine which, if any, is best suited to serving the communities’ particular needs as determined in consultation with the community concerned.

[…]

WorldWatch programs are drawn from a variety of overseas sources – government, public and commercial – and are often produced and interpreted from particular editorial perspectives.

This provision is of material relevance to this suite of programs, and should be incorporated into the discussion for appropriate context, particularly in relation to the discussion around the higher levels of impact when compared to broadcasts produced by Australian broadcasters.

SBS is a trusted and responsible public broadcaster in touch with its stakeholder communities and exercises great care in the ongoing assessment of the quality and standards of WorldWatch providers.

[…] the Final Report should note that these bulletins are subject to different provisions in the SBS Codes of Practice, and that SBS has processes in place to review the WorldWatch bulletins. These measures enable violent and distressing material to be managed appropriately.

The Final Report must acknowledge that these frameworks and processes exist and were in place at the time of the broadcasts that are the subject of the investigation.

Additionally, Appendix A to the Final Report should extract Code 3 in full, to properly reflect the considerations and controls that are applied to these services.

It is also relevant for the Final Report to acknowledge that the WorldWatch bulletins were not the subject of any complaints to SBS, especially in the discussion comparing impact of footage between overseas produced news content and locally produced content.

[…]

**Further safeguards implemented by SBS since the relevant broadcasts**

SBS acknowledges the ACMA’s observations that editorial decisions made overseas resulted in the broadcast of some content that exceeded the impact of the strongest footage selected by Australian broadcasters for their locally produced coverage.

The SBS Codes, and in particular Code 3, provide for SBS to broadcast substantially unedited news content from other countries, and signpost to viewers of the different standards that may apply to these services (WorldWatch bulletins).

As noted above, SBS has processes in place to review the WorldWatch bulletins, which were in operation at the time of the relevant broadcasts. However, since the Christchurch terrorist attacks, SBS has implemented additional editorial and training processes in respect of the WorldWatch bulletins.

## Australian Broadcasting Corporation (ABC)

***Broadcaster submission to the ACMA dated 29 March 2019:***

[…]

**Production and broadcast of ABC news and current affairs stories**

The production of stories is distributed among teams spread around the country and in our foreign bureaux. TV and Radio bulletins and digital platforms typically source stories from a number of production units.

There are functional divisions between daily news and current affairs, head office and bureaux, and to some extent between different distribution platforms – digital, radio, television and social. However, journalists in all teams, whether based in state newsrooms, overseas bureaux, current affairs programs such as 7.30 or the national newsroom, may contribute to producing content for all platforms. While some teams manage programs directly, for instance there is a dedicated team for Four Corners and for the Perth 7pm News, other teams such as the Investigations Unit or International, produce stories for programs and platforms as required.

Broadcasting of content is devolved according to program. For instance, the News Channel is broadcast from the national newsroom in Sydney where producers control the content of the channel; News Breakfast is broadcast from Melbourne where a team produces that program; and the 7pm TV News is produced separately in each of the state and territory capitals.

While teams will have their own managers, the ABC principle of upward referral ensures important decisions are referred to the Executive Editor or the Director of News. The Executive Editor ensures teams are coordinated and consistent in their approach to major or sensitive stories and that stories are consistent with legal and editorial policy requirements.

In circumstances where the newsroom becomes aware of a major breaking story, such as the Christchurch shootings, the information is rapidly communicated both horizontally to other areas of the ABC and vertically up to the most senior person working in the newsroom and ultimately to the Executive Editor and the Director. This is done by a combination of internal communications – alerts, emails and in person.

In the case of the Christchurch shooting it was immediately apparent that the story was both very significant and very sensitive. The Executive Editor took control of key decisions about how to present the content, while other editors worked with him in the commissioning of stories.

In the initial phase of the coverage, key decisions were made in consultation with the Executive Editor and were communicated to the various editors and producers around the country using the normal methods such as email, alerts and directly.

Because this was a major international story, albeit with important domestic aspects, the decision was made that the crucial 7pm News bulletins would broadcast one centrally produced coverage of the incident on the day of the shooting. This constituted a large part, but not all, of the bulletin. The states and territories produced the first minute of each bulletin – the so-called ‘headers’ which features short segments of the main stories – and returned to local coverage after the Christchurch coverage finished.

**Use of the perpetrator-filmed, live streamed footage of the shootings before it was broadcast**

A decision was made not to use any moving image from the video and to use only a handful of still images. No images showed victims or shooting.

A very small part of the video was inadvertently screened in the ‘headers’ of the 7pm News bulletins in Tasmania and […]. It comprised of 2-3 seconds of the perpetrator outside the Mosque. The image had been sent to the various state offices from the national newsroom and as a result of a misunderstanding, two states failed to remove them before broadcast. The excerpt did not include images of any shooting or of victims.

On the News Channel and on the 7pm News there was limited use of still images of [the terrorist], his weapon and car from the video.

**Compliance with the relevant provisions**

In relation to the streamed video of the shooting, a conservative approach was taken. While there was a relevant editorial context for using the video, there was obviously the potential for much of the video to be highly distressing to viewers.

The relevant standards under consideration were Accuracy and Harm and Offence.

Great care was taken to check facts before broadcast and to properly contextualise and qualify statements when necessary. ABC News is confident there were no errors of fact in any broadcast.

The Harm and Offence standards state:

7.1 Content that is likely to cause harm or offence must be justified by the editorial context.

[…]

7.5 The reporting or depiction of violence, tragedy or trauma must be handled with extreme sensitivity. Avoid causing undue distress to victims, witnesses or bereaved relatives …

The uses outlined above were not in breach of editorial standards. Identification of the alleged killer and images of the messages on his weapon were editorially relevant and not inherently distressing.

**Internal policies**

The ABC’s guidance to staff on use of live images from social media […].

**Advice Note**

**Use of Live Streaming Apps on broadcast and social media**

**Background**

Live streaming apps for mobile devices, including Periscope, Meerkat, NomadCast and YouNow facilitate live streaming to the internet and can also be broadcast live on TV or radio.

News 24 first used Periscope sourced from a Voice of America journalist for breaking news on the night of the Erawan Shrine bombing in Bangkok.

Local Radio has used Periscope to broadcast events and behind-the-scenes action live on Twitter.

Overseas media companies such as Time, the BBC and Bild in Germany have used Periscope to report the asylum seeker crisis in Europe.

These Apps are a potentially powerful news reporting tool, particularly as their quality and ease of use inevitably improves.

However, users and program makers should be aware of the potential editorial risks in relation to **harm and offence** and **privacy** and legal risks concerning **defamation**, **contempt** and **copyright**.

The purpose of the note is to provide guidance in the management of those risks.

**Using streaming video of breaking news on live TV and radio**

This section concerns the use by the ABC of live images and/or audio sourced through Periscope and other apps from both ABC staff and non-ABC contributors.

The use of live pictures from disasters and crime scenes has long been a feature of news bulletins despite the risks. Live streaming apps present an opportunity to cover breaking stories using content provided by our own staff, journalists from other organisations and members of the public.

The main risks in these situations are broadcasting distressing images, coarse language, extreme grief and invasions of privacy.

The use of a delay is the best way to avoid problems. However, in a live TV environment that can be extremely difficult to implement.

Before broadcasting live vision from social media consider:

* What’s the worst thing that can happen in the location being streamed? Someone being killed live on TV is much worse than broadcasting human remains, which is worse than intrusions into grief.
* How likely is the risk of something unforseen happening, or of viewers seeing distressing or inappropriate vision?
* How reliable is the person doing the streaming? Is it an ABC reporter, a reporter from another reputable organisation or a random citizen?
* What is the news value? ABC News broadcast live vision of the Lindt Cafe siege despite the obvious risks because the news value of the story was so high
* If we do go ahead despite recognising that there are risks, we can mitigate the harm by clearly warning and explaining to viewers and keeping a ‘Live vision’ or similar on screen.
* Being hyper vigilant in the control room is vital.

If the news value isn’t high enough or the risk of something going wrong is too high, the solution is to record and play back.

**Streaming video direct to the internet**

This section concerns ABC staff using streaming apps during work hours.

Currently, the ABC is not using official Periscope or Meerkat accounts, so any streaming will be happen on personal accounts.

Examples might include behind-the-scenes in the studio, a reporter in the field at a public event or reporting news directly from a natural disaster or crime scene. In these cases viewers will likely assume your stream is ABC content.

While content from personal social media accounts is not normally considered ABC content and is not covered by the editorial policies, **live streaming during work hours should only be done with permission from your manager and should be treated as ABC content**.

It should comply with the ABC’s editorial standards and the law.

It is possible, for instance, to be sued for defamation, or to be liable for contempt of court, resulting from comments made by other people on social media.

Particularly for radio staff who are used to working with a seven second delay, it’s important to remember there’s **no delay** with Periscope feeds to Twitter or [F]acebook.

Compared to a live studio broadcast, the capacity to monitor for potential legal and editorial risks is greatly reduced and the potential to mitigate harms is also less.

And, of course, it’s impossible to get detailed pre-broadcast legal advice.

It’s also worth noting that Periscope has a live **comments function**.

Before streaming consider:

* Are there possible legal risks associated with the subject matter? Generally, avoid subjects that relate to court cases, assaults, domestic violence or other news items concerning crime or corruption.
* Is this a subject that is likely to engage trolls who may become abusive? Be wary of controversial subjects such as race and gender relations.

As with streaming video on TV and radio, consider:

* What’s the worst thing that can happen in the location being streamed?
* How likely is the risk of something unforseen happening, or of viewers seeing distressing or inappropriate vision?
* Does the news value justify the risk?

**Using streaming video outside work hours**

When you use personal social media accounts outside work, you do not have to comply with ABC editorial standards. However, staff are expected to use social media in a manner that is responsible and will not bring the ABC into disrepute.

Generally, the legal risks are the same whether you are using an ABC account or your own social media account.

**Copyright and live events**

Live streaming of some events may be in breach of copyright or broadcast rights agreements.

For instance, the ABC is party to strict agreements in relation to the use of vision from the Olympic Games and many other sporting events. Consult ABC Legal before streaming or broadcasting vision from such events.

If any of these issues arise, upwardly refer to your manager or to ABC Legal for advice.

[…]

## Prime Media Group Limited

***Extracts from the submission to the ACMA dated 2 April 2019:***

[…]

Prime broadcasts news and current affairs to our audience covering issues of public interest. There can be no doubt that the Christchurch terrorist attack fits into this category.

The attack involved an unusual set of circumstances, covered in real time (initially) with the perpetrator filming and streaming the attack online. It presented news services with the challenge of filtering relevant and accurate information very quickly to viewers who were trying to make sense of the incident, first whilst it was still occurring and then also afterwards. News editors and journalists were required to make judgments on the reliability of information and suitability of content as more information and material came to light.

Television audiences expect news reports to be accompanied by relevant footage illustrating the subject of the report. Footage not only engages an audience but helps viewers better understand a news story. In many instances, including this attack, the use of images and footage provide a level of understanding about what has occurred, that words alone are incapable of conveying, giving a clearer picture of an incident that is otherwise difficult for viewers to comprehend.

Prime's primary news objective is to engage and inform its audience about important public interest matters like the Christchurch terrorist attack, whilst observing relevant regulatory requirements. Newstopics and events, headlines, interviews, images and footage are carefully selected from the information and material available to Prime's news teams at the relevant point in time, with the goal to ensure any story is conveyed in a meaningful and comprehensible way whilst adhering to the legal, ethical and Code requirements.

Sometimes this means that material of a more sensitive or graphic nature is included in our news broadcast. Often it means that footage obtained from third parties including other news sources, CCTV cameras and user generated content are included in stories. These are important sources and essential parts of news gathering practices.

Prime maintains that its broadcast of the Content complied with the requirements of the Code.

**Section 2.3.3 Classification exception - exercise care**

Section 2.3.3 of the Code states that News Programs (including news flashes and news updates) do not require classification and are permitted to be shown at any time. It requires however that Prime exercise care in selecting material for broadcast having regard to the likely audience and any identifiable public interest reason for presenting the Program.

Prime submits that it exercised the required degree of care, skill and diligence in selecting material to be included in the Content. Whilst some brief snippets of the perpetrator filmed footage were included in Prime's coverage, Prime maintains the material was carefully selected with regard to the likely audience and where appropriate, images of people were blurred. Prime submits that the immediacy of coverage and gravity of the attack should be relevant to assessing whether the sufficient degree of care has been taken.

As noted above, there can be no doubt that there are strong public interest reasons for broadcasting the Content including that, at the most fundamental level, it involved reporting on a crime that threatened the safety of the public and exposed extremist terrorist actions. Subsequent Content has also included discussions about broader public interest issues including the role of social media in extremist activities, gun control laws and acceptance and tolerance in a multi-cultural/multi-faithfcommunity.

**Section 3.2 Material which may cause distress**

We note that section 3.1.2 of the Code requires that compliance with section 3 be assessed taking into account "all of the circumstances at the time of preparing and broadcasting the material, including:

1. The facts known, or readily ascertainable, at that time;
2. The context of the segment (or Program Promotion) in its entirety; and
3. The time pressure associated with the preparation and broadcast of such programming."

Under section 3.2 of the Code, Prime must not include material which, in its reasonable opinion, is likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the Program, unless there is a public interest reason to do so.

Prime accepts that the occurrence alone of the Christchurch terrorist attack is disturbing and likely to distress some people. However Prime does not believe that the particular material it broadcast was likely to reach the levels of distress and offence required across a substantial number of viewers to breach this section. That said, in the event that the ACMA takes a contrary view, the Code itself contains an acknowledgement that sometimes the broadcasting of distressing material may be warranted if there is a public interest reason to do so. Prime submits that this would apply to the Content.

Prime's produced Content included some short news updates and 3 longer reports being:

1. Prime NSW North Coast Local News Bulletin (15/03/19 at 17:59 AEDT);
2. National News Bulletin (15/03/19 at 18:30 AEDT); and
3. GWN7 Local News Bulletin (15/03/19 at 17:29 AWST).

In relation to the National News Bulletin and GWN7 Local News Bulletin, Prime made the decision to err on side of caution (despite having the view that it was not required to do under the Code) and provided a spoken warning to viewers. A spoken warning was not given for the Prime NSW North Coast Local News Bulletin as Prime took the view that it contained less confronting footage consisting of vision from the scene of the attack including of police, ambulances, the alleged perpetrator being arrested and other street vision but contained little vision taken from the perpetrator filmed footage.

We note that sections 3.2.1 (d) and (e) of the Code require Prime to exercise sensitivity in broadcasting images of bereaved relatives or people who have witnessed or survived a traumatic incident and to have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest. Prime submits that it has complied with these obligations in relation to the Content. […]

## WIN Corporation Pty Ltd

***Licensee submission to the ACMA dated 25 March 2019:***

In relation to Sky News on WIN, we broadcast the following over the 3 days in question.

15 March 2019

Sky News on WIN cut to Jacinda Ardern's press conference at 15:36:13 (AEDT) and remained with coverage of the Christchurch attack until midnight (footage supplied).

[…]

***Licensee submission to the ACMA dated 8 April 2019:***

The WIN Network has a robust editorial hierarchy in place to ensure all sixteen WIN News bulletins and more than one hundred News updates broadcast each weekday meet stringent rules and regulation.

The Broadcasting Services Act, Commercial Television industry Code of Practice, MEAA Journalist Code of Ethics are readily available to all News staff upon employment and ongoing via the Intranet. All News staff require a thorough understanding of Media Law.

The Network news Director holds regular meetings with our News Directors, State Producers, Chiefs of Staff and Studio Directors to ensure not only changes to legislation are discussed, but to also discuss current news and events to ensure sensitivity is exercised at all levels of reporting and broadcast at the time information and vision is in the public domain.

WIN broadcast local reaction to the terrorist attack from Monday 18 March 2019, outside of the requested reporting period.

The reports were focused on vigils being held in communities across Australia, across all religions and denominations. No perpetrator-filmed material was used in any WIN report or uploaded to any of WIN News social media pages.

## Network Ten Pty Ltd

***Extracts of licensee submission to the ACMA dated 02 April 2019:***

[…]

**Clause 2.3.3 of the Code**

*2.3.3 News Programs (including news flashes and news updates), Current Affairs Programs and Sports Programs and Program Promotions for news, Current Affairs or Sports Programs do not require classification and may be shown at any time, however a Licensee will exercise care in selecting material for broadcast, having regard to:*

*a) the likely audience of the Program or Program Promotion; and*

*b) any identifiable public interest reason for presenting the Program or Program Promotion.*

Network 10 submits that it exercised appropriate care in selecting material for broadcast in accordance with Clause 2.3.3. of the Code. The likely audience of *10 News First* and *The Project* is adult in age.

As this horrific terrorist attack unfolded on Friday 15 March 2019, the network’s news leadership team discussed how to appropriately report on the tragic events. This included the Network Director of News Content, the Network Executive Editor – News, senior journalists such as the National Affairs Editor, the Network Classification Manager, network senior legal counsel and the Network Regulatory Affairs Manager. Significant care was taken to ensure all material was reviewed and where necessary edited for broadcast. The Project producers undertook similar discussions in consultation with Network 10.

For the perpetrator-filmed footage, *10 News First* did not show this footage live or in its entirety. Rather, only certain segments of the footage were broadcast after careful review to avoid showing any graphic footage that would contravene our Code obligations.

Notably, none of the perpetrator’s footage from inside the mosques was shown. Even with heavy editing (blurring / pixilation), *10 News First* decided that this footage was too graphic and distressing for broadcast.

*10 News First* did broadcast footage of the perpetrator walking towards a mosque with his weapon. Also, taking weapons out of his car boot and firing his gun on the street. And driving towards the second mosque, firing a gun from inside his car. However, no footage was shown of him firing at people. A still image of the [alleged] perpetrator’s face taken from his footage was shown. We consider this material was appropriate for broadcast, in the context of reporting this terrible news event.

For editorial reasons, *The Project* decided not to broadcast any of the perpetrator-filmed footage.

Similarly, we took care when broadcasting images or footage of witnesses and survivors of the incident. Interviews with survivors and witnesses were reported in a straight-forward, matter-of-fact manner. A still image of a survivor’s photograph from inside the mosque was edited for broadcast during the 5pm bulletin on 17 March to remove any dead or bloodied bodies. There was limited footage of people taken to hospital shown from afar.

Over the course of the weekend, the use of the perpetrator-filmed footage and other footage of that day declined, replaced by new footage reporting on more recent events such as the laying of floral tributes at the Christchurch Botanical Gardens, interviews, press conferences and reaction in New Zealand and Australia.

Network 10 contends that the perpetrator-filmed footage and other footage selectively broadcast by the network were shown in the public interest to report on this terrorist incident and to convey the terrible impact of these events where criminal activity and real-life violence were an integral part.

As with other horrific events, such as ISIS beheadings, the chemical attacks in Syria, and footage from terrorist attacks and warzones, it is important to convey a sense of the true impact of this atrocity. This may inform the social and political reaction to such events. That the perpetrator live-streamed his terrible deeds was a significant aspect of the story. Of course, we must balance the demands of accuracy and conveying the full horror of events with the need to exercise sensitivity for viewers, witnesses and survivors. We consider that this balance was achieved and the footage shown was proportionate to the public interest.

The terrorist attack raised several important social and political issues such as a public debate in New Zealand and Australia regarding gun control. On Saturday 19 March 2019 New Zealand Prime Minister Ardern announced her intention to change the nation’s gun laws. Comparisons with Australia’s laws and the reaction to the Port Arthur massacre were publicly debated, as well as the efficacy of Australia’s current laws. The use of the perpetrator’s footage of his weapons was consistent with this public debate.

[…]

**Clause 3.2 of the Code (Material which may cause distress)**

*3.2.1 In broadcasting a news or Current Affairs Program, a Licensee must:*

*a) not include material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers, having regard* *to the likely audience of the Program, unless there is a public interest reason to do so; and*

*b) include a spoken warning before a segment that contains material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers having regard to the likely audience of the Program; and*

*c) not broadcast reports of suicide or attempted suicide unless there is a public interest reason to do so, and exclude any detailed description of the method used, and exclude graphic details or images; and*

*d) exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident; and*

*e) have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest.*

As previously described, we consider that any material that was likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the program, was broadcast in the public interest.

During *10 News First* on Friday 15 March, the respective local news presenter provided a spoken warning prior to commencement of the coverage. For example, the Sydney bulletin featured Sandra Sully stating, “We have deliberately left out the most horrific pictures but of course, what you are about to see is still distressing.” In addition, the descriptions of events in the introduction to stories signalled the nature of the content.

Network 10 took great steps to exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident. Interviews with survivors were handled with care. One interview with a survivor featured an image from inside a mosque that was edited to remove graphic footage.

*10 News First* took care to consider the feelings of relatives and viewers by not including footage from inside the mosques. There were no images of dead bodies or visibly wounded people. As described above, one photograph provided by a survivor was edited to remove any dead or bloodied bodies. The footage of people wheeled into hospital did not depict any obviously bloodied wounds or injuries.

[…]

**Comments on whether Network 10 edited any of the perpetrator-filmed, live streamed footage of the shootings before it was broadcast**

As described above, Network 10 only broadcast certain segments of the perpetrator-filmed footage. We did not show any footage of inside the mosques or of dead or injured victims. We did not show the perpetrator firing at people.

[…]

## Nine Entertainment

***Extracts of the licensee submission to the ACMA dated 02 April 2019:***

[…]

5. On the afternoon of 15 March 2017, news began to break out of Christchurch, New Zealand that mass fatal shootings had occurred inside a number of mosques in the city (the Christchurch Terror Attack). The number of dead and injured was initially unknown, as was the number of assailants, or presence of ongoing threats to the public.

6. ln the period shortly thereafter, it emerged that footage apparently depicting the attack and its prelude, was being circulated online. lt appeared to have been filmed by a perpetrator and to have been livestreamed on social media (the Shooter Footage). Elements of the Shooter Footage indicated that the victims were targeted because of their religion, that the attack was calculated and linked to white supremacist and alt-right extremist beliefs of the perpetrator. A document purporting to be a manifesto of the perpetrator was also circulating online, espousing sentiments broadly described as anti-Muslim and white-supremacist in nature.

7. Christchurch was put into lockdown, with a heavy police presence on the streets. Over the course of the afternoon multiple people were arrested, some of whom were later released. The person allegedly responsible for the attack and the Shooter Footage was revealed to be a 28 year old Australian man, who is presently facing charges in New Zealand in relation to the incident.

8. lt was later confirmed that around 50 people were killed in the attack, with around 50 more people injured. The victims were reportedly aged between 3 - 77 and were largely adherents to the Muslim faith targeted whilst inside mosques observing their religious customs.

9. The Christchurch Terror Attack was, and still remains, an event of global concern and significance. Nine understands it to be the deadliest mass shooting in modern New Zealand, a country with a relatively low level of violent gun crime. lt turned the focus of the world on the issues of anti-Muslim terrorism, alt-right extremism and the role of the internet and social media in respect of both.

**Nine's coverage**

10. Nine's licensees provided comprehensive, informative, evolving, responsible and appropriate coverage of the Christchurch Terrorism Attack as the events unfolded, including rolling breaking news coverage on the afternoon of the attack, as well as in its Nine News bulletins, updates and news breaks, and in its current affairs programs A Current Affair, Weekend Today and 60 Minutes.

11. Nine made decisions about its coverage taking into account its obligations under the Code, as well as its ethical obligations, editorial considerations and responsibilities to the viewing public, and continually reassessed those decisions as the situation evolved over the course of Friday afternoon and the weekend. Nine took into account significant matters of public interest, which included:

a) the evident level of pre-meditation and planning;

b) that the video/social media aspect had a significant role in both the attack and the psyche of the perpetrator, and his desire to publicise his actions;

c) that it was a crime targeting Muslims, and the perpetrator aligned himself with white supremacist and right-wing extremist ideologies and figures;

d) it was ostensibly an act of terrorism, in that it involved the unlawful use of violence against civilians in the pursuit of political, religious, ideological and/or social objectives;

e) that the perpetrator was Australian, and apparently not on the radar of relevant authorities;

f) that the arsenal of powerful guns may have been legally obtained; and

g) the sheer scale and audacity of the attacks, over multiple locations, and the very high number of dead and wounded which, tragically, was far higher than initial reports suggested.

12. The decision to broadcast carefully selected and heavily edited portions of the Shooter Footage was made by Nine after careful consideration. The decisions Nine made were based on the public interest in reporting such a serious and unfolding event, in appropriate context. Nine heavily edited the footage it used so as to strike a balance between conveying accurate information to viewers without broadcasting unnecessarily distressing footage, and also taking into account the ethical and editorial considerations of broadcasting the footage.

13. To the extent Shooter Footage was broadcast by Nine, the majority of such instances consisted of edited portions:

a) from within the car (driving and parked), depicting hands, the steering wheel and dashboard, and guns on the seat (both with and without audio, including speaking and music);

b) of the car boot containing a number of guns and supplies including plastic fuel cannisters;

c) of exterior shots outside the mosque (prior to entry, and post entry) with a gun muzzle moving in and out of view;

d) of the shooter moving both up and back down the street, with a gun muzzle moving in and out of view, including one part showing the gun being fired on the street with audio but with no target or victim visible in the shot; and

e) of [the alleged perpetrator] in the car turning the camera on his face;

14. On a limited number of occasions, Nine broadcast very short and heavily edited excerpts of footage taken inside the mosque, showing only the carpet and muzzle of the gun, with any people completely pixilated, in a discreet way. Flashes from the muzzle were visible but without audio of gunshots;

15. Nine did not broadcast any vision depicting victims being shot. Nine did not broadcast vision in which dead bodies or graphic injuries were visible,

16. The portions of the Shooter Footage used were heavily edited (including using cuts and freeze frames) to appropriately moderate the impact of the vision whilst still accurately conveying to viewers the severity and context of the situation. The Shooter Footage was not broadcast by Nine as it was filmed, in one long continuous shot, but shown in parts which cut from one to another and were not always shown sequentially, which also moderated the impact.

17. ln the context of an interview with a surviving victim, 60 Minutes included heavily edited, carefully selected portions of footage he took on his iPhone of the scene inside the lslamic Centre. Faces of the injured were pixilated out of sensitivity and respect to those victims, and for editorial reasons. Some injuries were visible but justified in the context and moderate in impact.60 Minutes also gave an express warning to viewers before the segment.

18.Both ACA and 60 Minutes included explicit warnings before their relevant segments to the effect that the reports contained confronting detail and imagery. The 6pm Nine News bulletins also included explicit warnings before certain of its segments where the context made it appropriate to do so.

19. On the afternoon of Friday 15 March 2019, Nine went to rolling breaking news coverage from around 1pm until around 5pm (AEDT). During the latter part of that, from approximately 3.30pm - 5pm (AEDT), Nine used only a very limited amount of Shooter Footage in its rolling News coverage.

20. Other relevant footage used in Nine's coverage included:

a) still images of weapons, showing the words written on them;

b) footage from the exterior of the hospital, showing the efforts of paramedics, and people being transported into hospital. The majority were unidentifiable, many on stretchers and wholly or partly covered. No graphic injuries were visible in this footage;

c) footage from the streets during the lockdown and aftermath, showing the police presence, crowds, and people and traffic moving along the streets;

d) iPhone vision taken from a car of the police arresting a suspect on the street (in many of which the suspect was pixilated); and

e) iPhone footage taken by students showing their schools in lockdown;

**Application of the Code**

21. Clause 2.3.3 provides:

2.3.3 News Programs (including news f/ashes and news updates), Current Affairs Programs and Sports Programs and Program Promotions for news, Current Affairs or Sports Programs do not require classification and may be shown at any time, however a Licensee will exercise care in selecting material for broadcast, having regard to:

a) the likely audience of the Program or Program Promotion; and

b) any identifiable public interest reason for presenting the Program or Program Promotion.

22. Nine maintains that in respect of its News Programs, Current Affairs Programs and relevant promotions, it exercised care in the selection of material for broadcast (as set out in paragraphs 12 - 16 above), having regard to the likely audience of those programs and the identifiable public interest reasons set out in paragraph 11 above.

23.Clause 2.6 provides:

2.6.1 A Licensee must not broadcast any material that cannot be classified MAl5+ or any lower television classification.

Note: Material may be modified by a Licensee to ensure that it is suitable for broadcast, or for broadcast at particular times.

2.6.2 A Licensee must not broadcast any Program, Program Promotion, Community Service Announcement or Station lD which is likely, in all the circumstances, to provoke or perpetuate in, or by a reasonable person, intense dislike, serious contempt or severe ridicule against a person or group of people because of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference.

2.6.3 A Licensee will not be in breach of clause 2.6.2 if the relevant conduct is said or done reasonably and in good faith:

a) in broadcasting an artistic work (including comedy or satire);

b) in the course of any broadcast with a public interest purpose (including a statement, discussion or debate concerning academic, artistic or scientific matters); or

c) in the course of a broadcast of a fair report of, or fair comment on, a matter of public interest.

24. ln respect of clause 2.6.1, it is Nine's view that the portions of the Shooter Footage it broadcast are accommodated at or below the MA15+ classification. The excerpts, while realistic, were justified in the context, were not prolonged, and do not show actual people being shot, dead bodies or bloody or graphic injuries. The manner in which the footage was edited (including cutting from one shot to another, and the use of freeze frames and cuts to black) lessened the impact somewhat. The depictions of actual weapons are moderate in impact. Any sense of threat or menace arises largely implicitly or contextually, rather than from the actual depicted matters.

25. ln respect of clause 2.6.2, Nine maintains that the manner and context in which it reported the incident was not likely in all the circumstances to provoke or perpetuate intense dislike, serious contempt or severe ridicule in any reasonable person, on any of the proscribed grounds including religion. Nine maintains its coverage was sensitive and respectful, as well as accurate and informative and in the public interest by conveying to viewers the relevant and important details, impact and context of the terrible events in Christchurch. Nine further notes the application of clause 2.6.3 (b) and (c) in this regard.

26.Clause 3.2 provides:

3.2.1 ln broadcasting a news or Current Affairs Program, a Licensee must:

a) not include material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the Program, unless there is a public interest reason to do so; and

b) include a spoken warning before a segment that contains material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers having regard to the likely audience of the Program; and

c) not broadcast reports of suicide or attempted suicide unless there is a public interest reason to do so, and exclude any detailed description of the method used, and exclude graphic details or images; and

d) exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident; and

e) have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest.

27. ln respect of clause 3.2.1 (a), Nine maintains that it took care to ensure that the portions of the footage it used were those least likely to cause distress or offense, in that they did not contain graphic depictions of death or injury, and did not show any person being actually shot, having regard to the public interest reasons for the broadcast of that material as set out above, and having regard to the likely audiences of its News and Current Affairs programs. Whilst some viewers may object in principle to the inclusion of any Shooter Footage at all in the broadcast, Nine formed the view that the inclusion of certain carefully selected and edited parts were warranted in the public interest and necessary to convey the full scale and context of the crime to the public.

28. ln respect of clause 3.2.1(b), Nine included appropriate warnings prior to its reports on the 6pm News on Friday evening, A Current Affair and 60 Minutes, as set out in paragraph 1B above.

29. ln respect of clause 3.2.1(d), Nine maintains that it did exercise sensitivity in broadcasting any images of and interviews with witnesses and survivors of the incident. Witnesses were interviewed with their consent. To the extent images of survivors were broadcast (such as in respect of footage of the efforts of paramedics outside the hospital) footage was taken from a distance and was restrained in tone and content, Nine did not use any footage showing graphic or gory depictions of injuries, and noting many of the people were not identifiable.

30. ln the 60 Minutes report, as part of the interview of a survivor, Nine broadcast portions of footage he took on an iPhone of the scene inside a mosque, on the basis that it considered the footage was important to accurately convey the scene as the witness described it. Nine included a warning at the start of the segment. Nine pixelated the faces of the injured persons in that footage, out of sensitivity and respect for those persons and for editorial reasons, noting that not all of them had been identified as at the time of broadcast, so their condition could not be confirmed nor could consent be sought. Nine elected not to broadcast certain graphic and distressing portions of the vision.

31. ln respect of clause 3.2.1(e), Nine maintains it did have regard to the feelings of relatives and viewers to the extent it showed any images of the wounded, noting that Nine used any such footage strictly in a context which Nine considered justified the use of that footage and also taking into account the significant public interest in conveying to viewers the full and accurate context and scale of the tragic events at Christchurch.

32. Clause 3.5 provides:

3.5.1 ln broadcasting a news Program or Current Affairs Program, a Licensee must not broadcast material relating to a person's personal or private affairs or which invades a person’s privacy, unless:

a) there is a public interest reason for the material to be broadcast; or

b) the person has provided implicit or explicit consent for the material to be broadcast (or in the case of a person under 16, a parent or guardian has given implicit or explicit consent).

Note: The broadcast of material that is publicly available or recorded in a public place will generally not be material relating to a person's personal or private affairs or an invasion of privacy.

3.5.2 For the purposes of clause 3.5.1, a Licensee must exercise special care before broadcasting material relating to a Child's personal or private affairs in a report of a sensitive matter concerning the Child.

33. Nine does not consider that it broadcast as part of its coverage of these events any material relevantly relating to a person's personal or private affairs or which invaded a person's privacy. Nine further notes there was a significant public interest in broadcasting reports of the incident and victims, including the efforts by paramedics in respect of the wounded. ln this regard, Nine repeats the submissions made in paragraphs 29, 30 and 31 above.

**Additional matters**

34. The ACMA seeks comments on whether the Nine licensees edited any of the perpetrator-filmed, live streamed footage of the shootings before it was broadcast:

The Nine licensees did heavily edit the Shooter Footage before it was broadcast, as set out above. Nine took time to examine and consider the footage, and made attempts to authenticate it, before carefully selecting portions which it considered could be broadcast in the appropriate context, and editing them for reasons of taste, ethics and after an assessment of editorial considerations and questions of public interest, in addition to Code compliance.

35. Nine does not have any internal policies specifically regarding the broadcast of third party live streamed video taken from social media platforms. Nine's usual editorial policies and practices applied in this case, as they would in future. Those include consideration of Nine's Code obligations, but also include ethical and moral considerations, matters of editorial judgment and prudence, consideration of matters of public interest and of common sense and decency. Whilst the elements of this particular incident raised some new and important questions for all media, similar issues and considerations have arisen in other matters where graphic material was made available online, such as videos posted by lSlS showing beheadings or torture. While of course in this case Nine did not broadcast any of the Shooter Footage live to air, there are always considerations and care that needs to be taken in respect of coverage, particularly live coverage, of events of mass destruction, such as the September 11 World Trade Centre attacks.

36. Nine has used its best efforts to identify all relevant material in the timeframe allowed. However, given the scope of the search and the task of identifying all variances of Nine's coverage across all its markets, Nine has continued to review its records and has agreed to notify the ACMA if it identifies any other material that differs in any relevant substantive sense from the material already notified to the ACMA.

## Seven West Media

***Licensee submission to the ACMA dated 02 April 2019:***

[…]

**1. Classification exceptions — exercise care — clause 2.3.3**

Clause 2.3.3 of the Code provides that *"News Programs (including news flashes and news updates), Current Affairs Programs and Sport Programs and Program Promotions for news, Current Affairs or Sport Programs do not require classification and may be shown at any time, however a Licensee will exercise care in selecting material for broadcast, having regard to:*

*a) the likely audience of the Program or Program Promotion; and*

*b) any identifiable public interest reason for presenting the Program or Program*

*Promotion"*

Seven is of the view that sufficient care was exercised in selecting material for the Broadcasts, with a view to the likely audience of the Broadcasts and the public interest element, in full accordance with the Code.

**Likely audience**

Seven's news broadcasts are predominantly viewed by adult audiences. During the Christchurch terrorist attack coverage, on the dates in question, at least 90% of Seven's news broadcast audience was aged 18 and above, as described in the figures below:

• 7NEWS rolling coverage on 15 March: 97.4% 18+

• 7NEWS at 4 pm on 15 March: 96.2% 18+

• 7NEWS at 6 pm on 15 March: 95.8% 18+

• The Latest on 15 March: 95.3% 18+

• Weekend Sunrise on 16 March: 94.1% 18 +

• 7NEWS on 16 March: 94.2% 18+

• Weekend Sunrise on 17 March: 94.1% 18 +

• 7NEWS on 17 March: 94.4% 18+

• Sunday Night on 17 March: 94.2% 18+

**Any identifiable public interest reason for presenting the Program or Program Promotion**

There was significant public interest in the Christchurch terrorist attack, as evidenced by the fact that the story was reported from the first instance on the basis of ongoing rolling coverage, with the discontinuation of normal programming.

The attack was the largest mass shooting in New Zealand's history, and one of the largest mass shootings ever seen. Many Australians are from New Zealand or have close bonds with the nation, with the gunman who lived in New Zealand indeed an Australian citizen. As stated in the 2016 Census, 518,462 Australians were born in New Zealand, and a further 349,825 Australians have New Zealand ancestry.

Gun crime has been a consistent major news story in recent times, with frequent mass shootings in the United States bringing the issue to the fore, and prompting widespread public discussion. Further, the issue is one of particular importance in Australia, given the Port Arthur Massacre and subsequent gun law reforms. As such, major gun crime events, particularly one in a neighbouring nation that many Australians have close links to, merits considerable public interest.

The fact that the attack was perpetrated on the basis of religious hate and intolerance also contributed strongly to the public interest element. Much debate in Australia is currently focused on whether the broader community is too tolerant of hate speech or is insufficiently alert to the dangers presented by right wing organisations. The Christchurch terrorist attack engaged directly with these significant and profound cultural issues.

Beyond our coverage, significant coverage of the event was seen on other Australian commercial broadcasters, the national broadcaster, in many international publications and on many international broadcasters, further demonstrating the high level of public interest in the Christchurch terrorist attack.

The combination of all these factors demonstrates the very high degree of public interest in the Christchurch terrorist attack. The public expects comprehensive coverage of such events, in order to remain informed of matters that they care about.

The footage used throughout Seven's coverage was carefully selected as to be commensurate with the public interest at stake. As will be discussed in more detail later in this response, no footage was shown on an exploitative basis, nor was it any way demeaning of human life or exalting of violence.

For all these reasons, Seven is of the view that the Broadcasts complied clause 2.3.3 of the Code.

[…]

**3. Material which may cause distress** — **clause 3.2**

Clause 3.2.1 of the Code provides that "In broadcasting a news or Current Affairs Program, a Licensee must:

a) not include material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers, having regard to the likely audience of the Program, unless there is a public interest reason to do so, and

b) include a spoken warning before a segment that contains material which, in the reasonable opinion of the Licensee, is likely to seriously distress or seriously offend a substantial number of viewers having regard to the likely audience of the Program; and

…

d) exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident; and

e) have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded, taking into account the relevant public interest."

**3.2.1 a)**

**Seriously distress or offend**

All footage contained in the Broadcasts was entirely consistent with previous major news events of significant public interest that involved the loss of human life.

Footage from the gunman's Facebook stream was never shown live. All footage was carefully edited to depict an acceptable level of detail, in order to ensure that it was not distressing or offensive to a substantial number of viewers.

Use of the gunman's Facebook stream predominantly depicted the moment of his leaving his vehicle, to the point he first approached the mosque. Brief clips of the gunman shooting on a street outside the mosque, and the shooting out a car window were also shown.

Footage or images of persons inside the mosque were depicted on extremely rare occasions. A still frame was briefly used of POV footage of the heroic worshipper who attempted to disarm the gunman. Absolutely no detail was shown. While the victim was identified by name in later reports, it was not possible to identify him from the image in question, given the very high level of blurring and utter lack of detail. A brief POV gunman shot was also very briefly used in which persons on the floor were totally blurred, preventing identification and ensuring that in the event that those persons were injured, their injuries were not in any way visible. A photograph was also briefly shown of three persons lying on the floor of the mosque unharmed. These brief pieces of footage were shown for the purpose of carefully affording viewers some understanding of the interior layout of the mosque where the atrocity occurred.

Footage shown of victims arriving at a local hospital were used in the form of very brief clips, with the victims obstructed by gurneys, sheets and the medical professionals providing care. Additional blurring was used when required to obstruct the identity of the victims.

As already stated, the vast majority of Seven's audience during its coverage of the Christchurch terrorist attack was of adult age. Seven is of the view that the Broadcasts were appropriate for an adult news audience, in a matter of very significant public interest, and broadcast in compliance with Cl 3.2.1 a) of the Code.

**3.2.1 b)**

**Include a spoken warning**

As already described, Seven was consistently careful and diligent when selecting footage for use in the Broadcasts. To exercise particular caution however, the news bulletins at 4 pm and 6pm on 15 March 2019 contained a warning for distressing content at the commencement of those reports. Reference was made in the reports to the fact that the Facebook livestream footage had been edited, to remove graphic, highly offensive elements.

Further coverage of the Christchurch terrorist attack during the dates in question did not include warnings, on the basis that the footage had been very carefully edited, and that the very predominantly adult viewing audience had been acclimatised to the footage, with its impact lessened considerably.

For these reasons, Seven is of the view that the Broadcasts were appropriate for an adult news audience and broadcast in compliance with Cl 3.2.1 b) of the Code.

**3.2.1 d)**

**Exercise sensitivity in broadcasting images of or interviews with bereaved relatives or people who have witnessed or survived a traumatic incident**

In all Broadcasts, sensitivity was demonstrated when broadcasting images of or interviews with those related to the attack.

All interviews shown were measured and composed, with the interviews being relatively brief, and handled in a respectful and sensitive manner. There was a clear desire by those interviewed to detail the heroics of the victims.

Further, imagery of those grieving was handled sensitively, with such footage used very briefly, filmed from a respectful distance and included for the purpose of providing proper context on the reportage.

For these reasons, Seven is of the view that the Broadcasts compiled with Cl 3.2.1 d).

**3.2.1 e)**

**Have regard to the feelings of relatives and viewers when including images of dead bodies or people who are seriously wounded**

All images of injured or deceased people were handled carefully in order to not cause distress for relatives or viewers generally. Clips of victims of the attack arriving at a local hospital were, as described above, handled with sensitivity in order to avoid causing distress.

Edited footage from the gunman's live Facebook stream inside the mosque, when very rarely used, was utterly blurred to ensure no victims, injured or otherwise, were discernible. Further, any footage of persons removed from the scene of the attack by police were completely obscured by sheets, ensuring that no imagery of a body was visible at any point.

For these reasons, Seven is of the view that the Broadcasts complied with Cl 3.2.1 e) of the Code.

[…]

**Comments on editing of live streamed footage and internal policy**

As described above, Seven ensured that footage taken from the perpetrator's live Facebook stream was edited prior to being broadcast, to ensure that it was appropriate for public consumption.

The rare and brief use of gunman footage depicting any persons was heavily blurred to ensure that persons could not be recognised or identified, and that in the event that they were injured, those injuries were not visible to the viewer.

Seven does not currently have a policy regarding the broadcasting of third party live stream. video taken from an unregulated social media platform that is publicly disseminating news content. A situation has not previously arisen where such a policy was required.

In any event, during coverage of the Christchurch terrorist attack, Seven followed standard editorial processes that apply in circumstances of major news stories.

[…]

## Southern Cross Media

***Licensee submission to the ACMA dated 25 March 2019:***

[…]

We take our obligations under the Commercial Television Code of Practice (Code) very seriously, including our obligations to exercise care with material broadcast and in respect to the intended audience, to not broadcast material that may cause distress or be unsuitable for broadcast, and by following the requirements in relation to privacy. Relevant regulatory matters are considered in our program supply agreements and in operational discussions with the metro networks. However, because programming from the metro networks are broadcast on direct relay, SCA [Southern Cross Australia] is not practically able to intervene in broadcast of metro network programming into SCA’s regional licence areas.

In relation to the perpetrator-filmed live streamed footage in Christchurch, SCA did broadcast material during *Nightly News 7 Tasmania*. This material was sourced from 7 News Sydney and included editing and blurring as supplied by SEVEN. Vision was limited to the perpetrator in or at his car, on the street, approaching the entrance to the mosque and in the hallway of the mosque. Images of people in the mosque were blurred. Vision of the [alleged] perpetrator’s face was also broadcast.

Due to the nature of news material, news packages are produced very close to telecast and broadcast live or near-live in most cases. In this instance, the news packages produced in relation to the Christchurch terrorist attack were delivered and broadcast by SCA in quick succession and there was limited opportunity to review the material prior to broadcast. However, given the SEVEN Network has the same obligations under the Code and Broadcasting Standards, SCA took the view that the relevant material was suitable for on-broadcast to audiences in its regional licence areas.

[…]

1. Statement released by Facebook on 20 March 2019, ‘A Further Update on New Zealand Terrorist Attack’, <https://newsroom.fb.com/news/2019/03/technical-update-on-new-zealand/> [↑](#footnote-ref-1)
2. The *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* came into effect on 6 April 2019. [↑](#footnote-ref-2)
3. This list covers a broad range of considerations that are not relevant to all codes of practice. [↑](#footnote-ref-3)
4. Noting this summary reflects in general terms the code requirements that vary across each code. Extracts of relevant code provisions are at Appendix A. [↑](#footnote-ref-4)
5. The ACMA did not review all overseas news programs broadcast over the weekend of 15–17 March 2019. [↑](#footnote-ref-5)
6. Australian Communications and Media Authority, Investigation Report No. 2976 (2012), Sunday Night broadcast by BTQ on 13 November 2011. [↑](#footnote-ref-6)
7. Australian Communications and Media Authority, Investigation Report No. BI-306 (2017), Nine News broadcast by Nine on 19 February 2017. [↑](#footnote-ref-7)
8. Australian Communications and Media Authority, Investigation Report No. 3252 (6 November 2014), ABC News broadcast by Australian Broadcasting Corporation on 28 July 2014. [↑](#footnote-ref-8)
9. https:/www.nytimes.com/2018/10/27/us/mass-shootings-church-synagogue-temple.html [↑](#footnote-ref-9)
10. This section discusses the use of footage in the context of Code compliance. For information about edits made to the footage, please see Section 2 below. [↑](#footnote-ref-10)
11. This section discusses the use of footage in the context of Code compliance. For information about edits made to the footage, please see Section 2 below. [↑](#footnote-ref-11)