Investigation report no. BI-407

| Summary |  |
| --- | --- |
| **Broadcaster** | Australian Broadcasting Corporation |
| **Station** | ABC |
| **Type of service** | National broadcasting—television |
| **Name of program** | *Four Corners* |
| **Date of broadcast** | 5 March 2018 |
| **Relevant code** | ABC Code of Practice 2011 (revised in 2016)  |
| **Date finalised** | 11 September 2018 |
| **Decision** | No breach of Standard 2.1 [accuracy] No breach of Standard 2.2 [materially mislead] No breach of Standard 3.1 [corrections and clarifications]No breach of Standard 4.1 [due impartiality]  |

Background

In June 2018, the Australian Communications and Media Authority (the ACMA) commenced an investigation under the *Broadcasting Services Act 1992* (the BSA) into an episode of *Four Corners* (the program).

The program was broadcast on ABC by the Australian Broadcasting Corporation (ABC) on 5 March 2018 at 8.30 pm (the broadcast).

The ACMA received a complaint the material was not presented accurately, or with due impartiality, and required correction.

The ACMA identified eight elements in the complaint warranting investigation into the ABC’s compliance with Standard 2 [accuracy], Standard 3 [corrections and clarifications] and Standard 4 [impartiality and diversity of perspectives] of the ABC Code of Practice 2011 (revised in 2016) (the Code).

The program

*Four Corners* is a current affairs program, described as:

Australia's premier television current affairs program, hosted by Sarah Ferguson. *Four Corners* has been part of the national story since 1961, exposing scandals, triggering inquiries, firing debate and confronting taboos.[[1]](#footnote-1)

The broadcast on 5 March 2018 was titled ‘Weather Alert’ and is described on the program’s website as concerning:

[h]ow Australia's warming climate is changing the way we live and work. […] Across Australia, farmers, small businesses, government planners and major corporations have stopped waiting for politicians to decide whether climate change is real. They're acting now.

The broadcast included a series of case studies, structured around interviews, which looked at the experiences and perspectives of people and organisations from across Australia, from different sectors of the economy.

Relevant extracts from the transcript of the broadcast, sourced from the program’s website[[2]](#footnote-2), are at **Attachment A**.

Assessment and submissions

When assessing content, the ACMA considers the meaning conveyed by the material, including the natural, ordinary meaning of the language, context, tenor, tone, images and any inferences that may be drawn. This is assessed according to the understanding of an ‘ordinary reasonable’ viewer.

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

A person of fair average intelligence, who is neither perverse, nor morbid or suspicious of mind, nor avid for scandal. That person does not live in an ivory tower, but can and does read between the lines in the light of that person’s general knowledge and experience of worldly affairs.[[3]](#footnote-3)

Once the ACMA has ascertained the meaning of the material that was broadcast, it then assesses compliance with the Code.

This investigation has taken into account the complaint (extracts at **Attachment B**) and submissions from the broadcaster (at **Attachment C**). Other sources are identified in this report where relevant.

Issue 1: Accuracy

Relevant Code provisions

**Standard 2. Accuracy:**

**2.1** Make reasonable efforts to ensure that material facts are accurate and presented in context.

**2.2** Do not present factual content in a way that will materially mislead the audience. In some cases, this may require appropriate labels or other explanatory information.

The ACMA also takes account of the relevant Principles set out in the Code.

**Principles:** The ABC has a statutory duty to ensure that the gathering and presentation of news and information is accurate according to the recognised standards of objective journalism. Credibility depends heavily on factual accuracy.

Types of fact-based content include news and analysis of current events, documentaries, factual dramas and lifestyle programs. The ABC requires that reasonable efforts must be made to ensure accuracy in all fact-based content. The ABC gauges those efforts by reference to:

* the type, subject and nature of the content;
* the likely audience expectations of the content;
* the likely impact of reliance by the audience on the accuracy of the content; and
* the circumstances in which the content was made and presented.

The ABC accuracy standard applies to assertions of fact, not to expressions of opinion. An opinion, being a value judgement or conclusion, cannot be found to be accurate or inaccurate in the way facts can. The accuracy standard requires that opinions be conveyed accurately, in the sense that quotes should be accurate and any editing should not distort the meaning of the opinion expressed.

The efforts reasonably required to ensure accuracy will depend on the circumstances. Sources with relevant expertise may be relied on more heavily than those without. Eyewitness testimony usually carries more weight than second-hand accounts. The passage of time or the inaccessibility of locations or sources can affect the standard of verification reasonably required.

The ABC should make reasonable efforts, appropriate in the context, to signal to audiences gradations in accuracy, for example by querying interviewees, qualifying bald assertions, supplementing the partly right and correcting the plainly wrong.

Finding

The ABC did not breach Standard 2.1 or Standard 2.2 of the Code.

Reasons

In applying Standard 2.1 of the Code, the ACMA usually considers:

* Was the particular content complained about factual in character?
* If so, did it convey a material fact or facts in the context of the relevant segment?
* If so, were those facts accurate?
* If a material fact was not accurate (or its accuracy cannot be determined), did the ABC make reasonable efforts to ensure that the material fact was accurate and presented in context?

In applying Standard 2.2 of the Code, the ACMA usually considers:

* Was the particular material factual in character?
* If so, was that factual content presented in a way that would materially (that is, in a significant respect) mislead the audience?

Other considerations the ACMA uses in assessing whether or not broadcast material is factual in character are set out at **Attachment D**.

The complainant alleged multiple factual inaccuracies in the broadcast. Of these, the ACMA has assessed the following content for the purposes of the investigation:

* Mr Martin Royds’s statement that ‘temperatures have been increasing 0.8 of a degree per decade’.
* Reporter Michael Brissenden’s statement that ‘Braidwood slipped into drought once again’.
* ABC newsreader’s statement that Penrith ‘recorded its hottest day ever at 47.3 degrees’.
* ABC newsreader’s statement that ‘Queenslanders have suffered through temperatures at least 10 degrees above average’.
* Reporter Michael Brissenden’s statement that ‘Adaptation is now a necessity for farmers all across the country’.
* Reporter Michael Brissenden’s statement that Brown Brothers ‘has now also decided to move part of its operations to cooler country’.

**Standard 2.1 – make reasonable efforts to ensure that material facts are accurate and presented in context**

1. Statement by Mr Royds:

At approximately 6 minutes 38 seconds, the broadcast included the following statement from grazier Mr Royds, made during an interview with the reporter:

Yes we’ve got 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing 0.8 of a degree per decade. So, in that thirty year period, it's gone up 2.4 degrees, maximum temperature.

The complainant submitted:

[T]hat would be an eight-degree rise per century, or implausibly about eight times greater than the Australian average as stated by the BoM’s Dr Braganza at 5 video-minutes. Also, the BoM data show no discernible warming trend in the summertime maxima at [Braidwood] racecourse.

[…]

The ABC submitted to the ACMA:

Mr Royds is clearly referring to data that has been collected by his family on their property over 130 years. Mr Royds specifies that he is referring to an increase in the maximum temperature recorded, not the average temperature. It is irrelevant that [the complainant] has discerned no warming trend in BoM data recorded at a different location.

The statement by Mr Royds was made during an exchange with the reporter, who introduced Mr Royds as a farmer experiencing weather changes who has been tracking temperatures on his farm. The statement was accompanied by images of printed graphs, although the viewer could not identify any particular information from the images.

The ACMA considers the ordinary reasonable viewer would have understood the statement to indicate that Mr Royds had access to 130 years of temperature measurements taken on his property. Those measurements indicated that since 1985, maximum temperatures have been increasing at a rate of 0.8 degrees per decade and that the most recent measurements were 2.4 degrees higher than in 1985. The ordinary reasonable viewer would also have understood that these were privately held family records that may not have been scientifically verified.

*Was the particular content complained about factual in character?*

The statement concerning temperature measurements on Mr Royds’s farm is factual in character because it is specific, unequivocal and capable of independent verification.

*If so, did it convey a material fact or facts in the context of the relevant segment?*

The statement that temperatures have been rising over a period of 30 years supported the assertion that Mr Royds is experiencing the effects of climate change, one symptom of which is rising temperatures.

The statement was therefore material to the presentation of the broadcast’s theme.

*If so, were those facts accurate?*

The ACMA does not have access to the records referred to in the broadcast and as a consequence, cannot determine the accuracy of Mr Royds’s statement.

*If a material fact was not accurate (or its accuracy cannot be determined), did the ABC make reasonable efforts to ensure that the material fact was accurate and presented in context?*

The ABC submitted:

For the purposes of this program which explored the experiences of a number of Australians and their responses to a changing climate, it was reasonable to rely on a first-hand account of a farmer, supported by documentary evidence that had been collected over more than a century.

The context for the statement was a personal description of privately held weather records that had been made by one family for 130 years. The information was used by Mr Royds to illustrate his own experience of working on the land. It was not extrapolated to make wider claims about other locations.

The ACMA accepts the ABC’s submission that it was reasonable for them to rely on the accuracy of the statements by Mr Royds, when presenting Mr Royds’s account of his own farm records to illustrate his personal experience.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

2. Statement by reporter about drought in Braidwood:

At approximately 7 minutes 40 seconds, the broadcast included the following statement from the reporter:

All around the district the dams have been drying up...Braidwood slipped into drought once again and it's taking a heavy toll on the local farmers.

The complainant submitted:

[…] the available BoM rainfall data for the [Braidwood] Racecourse reveals no discernible rainfall reduction trend since 1985 and nothing unusual in annual variability apart from a drier period in the 1990’s […].

The ABC submitted:

It is well established that this region has been experiencing drought conditions.

In its submissions, the ABC provided links to two news reports that predated the broadcast.

The first, from the *Braidwood Times* of 31 July 2017, stated:

Counterintuitively, 9am [today] also saw Braidwood enter a drought, according to the official BOM measures.

For drought to officially be declared, rainfall must be in the bottom tenth percentile of recorded figures, says Braidwood’s weatherman Roger Hosking.

This has been the case for the past three months, all of which have been unusually dry. [[4]](#footnote-4)

The second, an ABC online article titled ‘Braidwood farmers struggle with drought as dams dry up’ of 23 January 2018, stated:

For both men, the drought is making it tougher to work their farms, and both are praying for a forgiving autumn season.[[5]](#footnote-5)

The term drought has both an ordinary and a technical meaning. The ordinary meaning may convey subjective, imprecise perceptions of low levels of rainfall.

As a technical term, drought can be specifically defined – albeit with more than one definition – and is applied to particular circumstances. For example, the NSW Department of Primary Industries’ definition is based on rainfall, ground cover and soil moisture[[6]](#footnote-6); while the Australian Bureau of Meteorology’s definition is based solely on rainfall.[[7]](#footnote-7)

The statement by the reporter was made following statements by Mr Royds about the history of drought on his property, and the land’s resilience following drought. It was accompanied by images of a dry farm dam.

The ACMA considers the ordinary reasonable viewer would have understood the statement to be referring to climatic conditions within the general Braidwood area, (which had been earlier identified as the location of Mr Royds’s farm), to convey the area had been experiencing significantly lower rainfall than usual for a prolonged period.

Although the statement doesn’t refer to a specific time, the ordinary reasonable viewer would expect that the statement had some currency and that drought conditions had arisen in the area within recent times.

*Was the particular content complained about factual in character?*

In assessing content, the ACMA will have regard to all contextual indicators, including subject, language, tenor and tone and inferences that may be drawn. The ACMA will first look to the natural and ordinary meaning of the language used.

The term was colloquially framed with the informal descriptor ‘slipped into’, and was not accompanied by specific, verified, independent data. The theme of the broadcast was ‘grass-roots’ responses from individuals to what they saw as negative impacts from changing weather patterns. In this context, the statement was used as an introduction to one of these perspectives, which included a focus on the ‘heavy toll’ a lack of rainfall was having on ‘local farmers’.

These indicators suggest the term ‘drought’ was used in a general sense. Although the statement may have lacked some specificity, it is open to independent verification by indications that the Braidwood area had experienced significantly lower rainfall than usual for a prolonged period within the preceding twelve months.

The ACMA therefore considers the statement to be factual in nature.

*If so, did it convey a material fact or facts in the context of the relevant segment?*

The statement that Braidwood – and by implication, Mr Royds’s farm – had ‘slipped into drought’ is material because it supported the basis upon which Mr Royds had taken action by changing his farming methods. It also framed his comments about the difficulties other farmers have experienced.

*If so, were those facts accurate?*

The ABC cites two media reports in its submission. These reports referred to drought in the Braidwood area in July 2017 and January 2018.

The ACMA considers that, in the context of a program about personal responses to changing climate, these media reports indicate the Braidwood area had experienced significantly lower rainfall than usual for a prolonged period. The ACMA is satisfied, in this context, that the relevant statement was accurate for the purposes of the Code.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

3. Statement by ABC newsreader about Penrith temperature record:

At approximately 2 minutes 15 seconds, the broadcast included an undated recording of a television news bulletin, which included the following statement from the newsreader:

Tonight fires break out across the state as Sydney sizzles and the mercury soars, with Penrith recording its hottest day ever at 47.3 degrees.

The complainant submitted:

This claim became rapidly obsolete in the media with widespread correction of a mistaken early tweet from the BoM. Again, your investigative reporter apparently failed to do a quick online search for ‘Penrith 47.3’ or the like.

The ABC submitted to the ACMA:

[the complainant] claims this is inaccurate based on a correction issued by the BoM. That correction went to whether the Penrith temperature was the hottest ever recorded in Sydney, not whether it was the hottest day ever recorded in Penrith – see tweet embedded in this article - <https://www.smh.com.au/environment/weather/sydney-off-to-a-hot-start-as-it-braces-for-heatwave-temperatures-20180107-h0ej5h.html>. There is nothing inaccurate in the newsreader’s statement.

The statement by the newsreader did not include a date. It was presented as one of three such recordings in a montage, compiled to establish a context for the report of a warming climate. The montage was followed by the statements from the reporter that:

Another long hot summer is finally over...

2017 was the 3rd hottest year ever recorded in Australia - seven of the ten hottest years ever have occurred since 2005.

But the professional weather watchers say the changes in weather patterns started showing up decades ago.

Taken in conjunction with the montage and statements by the reporter, the ACMA considers the ordinary reasonable viewer would have understood the relevant statement to mean that during the 2017-18 summer season, Penrith had experienced its hottest recorded day with a temperature of 47.3 degrees.

*Was the particular content complained about factual in character?*

While the news clip was not identified by a specific date, it is possible to verify whether, in the 2017-18 summer, there had been a record broken in Penrith where the temperature had reached 47.3 degrees.

To this extent, the statement is specific and capable of independent verification. It is therefore factual in character.

*If so, did it convey a material fact or facts in the context of the relevant segment?*

The statement provided introductory background to the report. It supported the statement that Australia had just experienced ‘another long, hot summer’, after the ‘third hottest year ever recorded’.

The statement conveyed a material fact because it contextualised a central theme of the broadcast—that is, to hear how people who depended upon weather reliability for their livelihood, were responding to warming temperatures.

*If so, were those facts accurate?*

The Australian Government’s Bureau of Meteorology (BoM) records indicate that Penrith Lakes Automatic Weather Station (AWS), which commenced operation in 1995, recorded its highest ever temperature of 47.3 degrees on 7 January 2018.[[8]](#footnote-8)

The BoM tweet of 6 January 2018, cited in the ABC’s submissions, confirmed that 47.3 degrees exceeded the previous Penrith record temperature.[[9]](#footnote-9)

Therefore, the statement was accurate.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

4. Statement by ABC newsreader about Queensland temperatures:

At approximately 2 minutes 20 seconds, the broadcast included a second recording from a television news bulletin, which included the following statement by the newsreader:

Queenslanders have suffered through temperatures at least 10 degrees above average as the heatwave sets in for the weekend.

The complainant submitted:

The claim of “at least 10 degrees above average” is again severally misleading including that sparsely populated areas in the hot centre have a long history of very high fluctuations in temperature that were more severe than those of late.

The ABC submitted:

This clip was included to further demonstrate that high temperatures were being experienced across Australia. It lacked specificity, giving no indication of the date of the initial news broadcast. It was merely illustrative and the information it contains does not constitute a material fact for the purposes of this program.

The statement by the newsreader was the second of three recordings in a montage that set the scene for the report.

The ACMA considers the ordinary reasonable viewer would have understood this statement to be illustrative of the broadcast’s introductory proposition that the 2017-18 Australian summer had been unusually hot.

*Was the particular content complained about factual in character?*

The colloquial use of the term ‘heatwave’ was used in the context of giving the viewer a general impression; in this case, that there had been a period of excessively warm weather during the 2017-18 summer.

Although the statement lacked some specificity as to precisely where and when Queenslanders experienced temperatures at least 10 degrees above average, within the context of the statement about Australia’s ‘long, hot summer’ of 2017-18, the assertion is specific and capable of independent verification.

The ACMA notes that the statement does not imply that all Queenslanders experienced the temperatures referred to. Within the context of the broadcast, the statement indicates that during the 2017-18 summer there was a period where significant parts of Queensland experienced hot weather as described.

The statement is specific and capable of independent verification and is therefore factual in character.

*If so, did it convey a material fact or facts in the context of the relevant segment?*

The statement provided further introductory background to the report. It supported the statement that Australia had just experienced ‘another long, hot summer’, after the ‘third hottest year ever recorded’.

The statement conveyed a material fact because it contextualised a central theme of the broadcast—that is, to hear how people who depended upon weather reliability for their livelihood, were responding to warming temperatures.

*If so, were those facts accurate?*

The complainant referred to a *Brisbane Times* article, published on 15 February 2018:

Bureau of Meteorology forecaster Sean Fitzgerald said much of Queensland recorded temperatures above 35 degrees during the week.

“In particular, out west is where it is very, very hot – temperatures out there are at or exceeding 40 in some places, so quite a bit above average,” Mr Fitzgerald said.

“Lots of places are five degrees above average and some places are even 10 degrees above average, so plenty of warm temperatures about the state.

“You’re talking about places like Charleville, Longreach, Roma even Toowoomba.”

Records were also broken in Winton in central-west Queensland which recorded 46.5 degrees on Wednesday, breaking a February 28, 2016, record of 45.5 degrees, while a couple of hundred kilometres south, in Richmond, a 1983 record of 44 degrees was broken when the town hit 44.5 degrees.[[10]](#footnote-10)

The ACMA notes the widespread nature of the hot weather referred to in this news report. As noted above, the newsreader’s statement did not imply that *all* Queenslanders experienced temperatures ten degrees above average but that the phenomenon was sufficiently widespread to justify the use of ‘Queenslanders’ rather than identifying specific locations.

Of the locations referred to in the *Brisbane Times* report, Charleville, Roma and Toowoomba recorded maximum temperatures at least ten degrees above the average February maximum, and Longreach over 9.5 degrees above the average, in the days preceding 15 February 2018.[[11]](#footnote-11)

The ACMA considers that, within the context of an archival report used to illustrate the assertion that the 2017-18 Australian summer was hot, the statement that ‘Queenslanders’ experienced temperatures at least ten degrees above average at a number of diverse locations across the state during February 2018, was accurate.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

5. Statement by reporter about adaptation by farmers:

At approximately 9 minutes 20 seconds, the broadcast included the following statement by the reporter:

Adaptation is now a necessity for farmers all across the country...

The complainant submitted:

Unsurprisingly, Australian crop production volatility has sensibly increased in rough proportionality with production rate and it correlates with a sensible smoothed trend expectation. There is no indication of recent climate change issues, and production even peaks in the hottest ever Summer (during the hottest ever full year of 2013). […] Again, there is no credible signal of climate-change-caused reduction of stocks among an always volatile [beef] sector, in which the Indonesian crisis in 2013 was infamous.

The ABC submitted:

Factual material is specific, unequivocal and capable of independent verification. This statement is not in that category: it could encompass many different concepts and meanings. It does not constitute factual content for the purposes of the ABC’s accuracy standards.

The statement by the reporter was made following the exchange with NSW grazier, Martin Royds, just prior to introducing the experiences of John Cowling, a cherry orchardist from South Australia.

The ACMA considers the ordinary reasonable viewer would have understood this statement to be a rhetorical device to introduce a new case study that was illustrative of the broadcast’s central proposition—that people from different agricultural sectors, from different parts of Australia, were responding to what they saw as changing climatic conditions.

*Was the particular content complained about factual in character?*

The phrase ‘all across Australia’ does not refer to all farmers or to all agricultural sectors of production. Its meaning is not specific and it is not capable of independent verification.

It is not factual in character.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

6. Statement by the reporter about Brown Brothers:

At 17 minutes 57 seconds, the broadcast included the following statement by the reporter:

But that's not all - the company has now also decided to move part of its operation to cooler country.

The complainant submitted:

Worryingly, there is voice-over and muting in the video while implying a move to Tasmania, and Mr Brown is not heard to voice any planned vineyard acquisitions or disposals anywhere. In fact, they already operate vineyards in Tasmania as part of their famed varietal mix. (‘Kayena’ in 1994, ‘Hazards’ in 2005, and Tamar Ridge plus Devils Corner and Pirie label in 2010).

Unfortunately, shortly after the 2010 acquisitions, global demand problems arose in the industry […] and contrary to any fears and plans over global warming or repetition of the millennial drought experience described […] above, in 2013 they sold two of their cool climate vineyards. […] Contrary to Michael Brissenden’s implication of intentions to relocate from mainland to Tasmania, Brown Brothers acquired a mainland winery in the Yarra Valley in Victoria in 2016 […] Mr Brissenden’s intimation that Tasmanian vineyards are a growing refuge against climate change is illusionary in scale.

The ABC submitted:

The program made reasonable efforts to ensure that this statement was accurate and presented in context. Relevantly, it relied upon Mr Brown’s explanation that the company had adjusted its geographical footprint in light of concerns about rising temperatures and reduced rainfall and their impact on the company’s long term viability. Mr Brown explained that, prompted by the millennial drought, his company had made a strategic decision to plan on the basis of higher temperatures and reduced access to water. He said his company was exploring different varieties in warmer locations and introducing Tasmanian grapes to provide ‘a cooling into our spectrum of climate’. There is no suggestion in the program that Brown Brothers is relocating its entire wine-making operations to Tasmania.

The statement by the reporter was made in the context of a discussion with Mr Ross Brown about Brown Brothers’ strategy in response to the millennial drought and changing weather conditions. That strategy was detailed in a statement by Mr Brown:

[…] we decided that we would do our planning in future on a two degrees increase in our vineyard temperatures and that we would have less water available. And by making that strategic decision, has really changed the way we look at our vineyards, and which grapes we grow and what location.

The ACMA considers the ordinary reasonable viewer would have understood the discussion indicated that Brown Brothers’s strategic decision concerning its winemaking operation was based on its own research and planning for the impacts of a changing climate—higher temperatures and reduced water availability. The ordinary reasonable viewer would have understood that this strategy consisted of three elements: the way Brown Brothers’s vineyards were managed; the varieties of grapes the company grew; and the locations they used to grow those varieties. The reporter’s statement regarding a move to a cooler climate introduced Mr Brown’s comments on vineyard location.

Mr Brown’s comments on Tasmania that followed the reporter’s statement indicated that he believed it to be important to have vineyards located in a cooler climate as a balance against warming occurring on the mainland.

Tasmania is a good foil and we're finding that has been a good balance to have a cooling into our spectrum of climate, and we still do grow grapes on the mainland.

The complainant alleges that Brown Brothers’s presence in Tasmania was not a response to climate change but predated the millennial drought, and that Brown Brothers had no intention of selling mainland vineyards. The complainant provided correspondence from Brown Brothers that stated:

At this stage we don’t intend on selling any vineyards in Victoria.

The ACMA considers that the ordinary reasonable viewer would not have taken the reporter’s statement to mean that Brown Brothers did not have a presence in Tasmania previously, or that Brown Brothers was relocating its entire operation to Tasmania—only that it had made a decision to move part of its operation to a cooler climate as part of a diversification strategy in response to warming temperatures.

The part of Brown Brothers’s operation that the reporter was referring to was not specified in the broadcast.

*Was the particular content complained about factual in character?*

A statement about a decision to move part of a commercial operation is specific, unequivocal and capable of independent verification.

It is therefore, factual in character.

*If so, did it convey a material fact or facts in the context of the relevant segment?*

The reporter’s statement was made in the context of discussing Brown Brothers’s strategies to cope with the impacts of a changing climate and the potential for further warming. According to Mr Brown, this strategy included diversifying grape varieties and growing locations to allow for maximum flexibility (i.e. ‘the right grape in the right soil in the right location’).

Mr Brown explained Brown Brothers were growing some varieties in cooler climates (mentioning ‘Tasmania’s a good foil’), but still growing grapes ‘on the mainland’, as there were grape varieties that ‘thrive very well in the warmer climates’.

The overall meaning conveyed in the segment was that adaptability, through the diversification of grape varieties and vineyard location, was a strategy adopted by Brown Brothers to provide a buffer against increased temperatures and decreased water availability—that is, the effects of climate change.

In the context of a broadcast looking at actions in response to climate change, the reporter’s statement conveyed a material fact.

*If so, were those facts accurate?*

Mr Brown stated Tasmania is a good ‘foil’ against warming temperatures that were occurring elsewhere. However, it was not directly clear from his comments in the broadcast that Brown Brothers introduced grapes to Tasmania *in response* to warming on the mainland—which is the meaning implied by the reporter’s statement.

However, the ACMA notes media reports linking Brown Brothers’s purchase of wine assets in Tasmania with climate change:

VICTORIAN winemaker Brown Brothers has outlined critical environmental reasons behind its $32.56 million purchase of Gunns' wine assets in Tasmania.

Chief executive Ross Brown said the move south was spurred by global warming, and after deciding that the controversial $2.2 billion Gunns pulp mill project's effect on Tamar Valley vineyards would be benign.

[…]

He said the Milawa, Victoria-based Brown Brothers had been considering for some time how to deal with climate change.

''Until recently, we had always thought we were drought proof in north-east Victoria.'' But he said higher temperatures and bushfires encouraged the 120-year-old company to source grapes from cooler areas.

''We want to position ourselves to combat global warming.''[[12]](#footnote-12)

and

Company chief Ross Brown said he was ecstatic about the company's Tasmanian purchase, which includes a vineyard and winery in the state's north and a vineyard on the east coast.

It secures the company's supply of cool climate grapes.

"Our focus was always on cool climate," he said.

"In Victoria, where it's warm, we are up in the mountains getting up towards snow country and that's about as cool as it gets on the mainland.

"And yet we are still being pressured by warming conditions, every year we find the fruit is getting riper a couple of weeks earlier.

"We wanted to find a cooler site, we looked throughout Victoria and finished up in Tasmania."[[13]](#footnote-13)

These reports are in accordance with the ABC’s submissions about Mr Brown’s comments on his company’s strategy in response to climate change.

Considering the ordinary reasonable viewer’s understanding of the meaning of the reporter’s statement, the publicly available reports of comments by Ross Brown about Brown Brothers’s purchase of Tasmanian vineyards, and the ABC’s submissions on Mr Brown’s statements to them, the ACMA is of the view that the reporter’s statement was accurate.

Accordingly, in broadcasting the statement, the ABC did not breach Standard 2.1 of the Code.

**Standard 2.2 – Do not present factual content in a way that will materially mislead the audience.**

The complainant submitted:

The programme presented various anecdotal claims associated with recent severe weather events that prima facie seemed to be far-fetched. When those claims were subjected to the simplest of validity checks they were found to be false and very misleading.

[…]

The introduction segment included three sensational TV news grabs that can hardly be considered as reliable evidence and which were easily found by me to be seriously misleading.

[…]

This complaint is not to deny climate change but to show that the fears expressed in the video do not withstand proper scrutiny, and that the public have been misled with gross exaggerations from a tiny sample of unrepresentative opinions and interests.

In particular, the complainant alleged the following two statements were presented in a misleading way because the broadcast ‘failed to query’ the claims:

* MARTIN ROYDS: Yes we have 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing 0.8 of a degree per decade. So, in that thirty-year period, it's gone up 2.4 degrees, maximum temperature
* ROSS BROWN: And we decided that we would do our planning in future on a two-degrees increase in our vineyard temperatures and that we would have less water available.

 The ABC submitted to the complainant:

The claims in the broadcast were clearly presented as anecdotal. That was the point of the program […]. People observing and experiencing the impact of the changing climate, and the steps they were taking to adjust and alter their business practices. We are satisfied these accounts are newsworthy and suitable for examination by Four Corners.

Within that context, there was no editorial requirement, or relevant reason, to dispute the personal accounts of the people featured and the way they are personally responding to the changing climate

The ABC submitted to the ACMA:

Mr Royds and Mr Brown spoke of their own experiences and observations, and that is how their remarks would have been understood by reasonable viewers of this program. As noted […], the program’s focus on the experiences of people in different fields of work in different parts of Australia was clearly flagged in the introduction and evident in the approach taken throughout the program.

*Introductory montage of news reports on recent summer weather events*

The complainant alleged the presentation of the selected TV news reports was ‘seriously misleading’.

*Was the particular material factual in character?*

The news reports illustrated three instances of extreme weather events across three Australian states during the 2017-18 summer. The examples from NSW and Queensland were assessed above as accurate, factual statements.

The montage also included an example from Victoria, with the following statement made by a newsreader:

The state’s public transport system and power supply have come under pressure as Melbourne baked through its hottest day in two years.

Although the statement lacked some specificity as to precisely when Melbourne experienced its hottest day in two years, within the context of the statement about Australia’s ‘long, hot summer’ of 2017-18, the assertion is specific and capable of independent verification.

The ACMA notes that on 19 January 2018, Avalon Airport and Laverton were reported to have recorded their hottest temperatures in two years.[[14]](#footnote-14)

Accordingly, the ACMA considers the newsreader’s statement was a factual statement that was accurate.

*If so, was that factual content presented in a way that would materially (that is, in a significant respect) mislead the audience?*

The effect of the montage was to indicate that there had been a series of extreme heat-related weather events in different parts of Australia during the 2017-18 summer. This supported the statement from the reporter that ‘2017 was the hottest year ever recorded in Australia’ and that ‘seven of the ten hottest years ever have occurred since 2005.’

The ACMA considers the ordinary reasonable viewer would understand this introduction asserted that increasing temperatures were a real phenomenon with real-world effects and that these effects were prompting the individuals presented in the broadcast to take certain actions.

The montage did not suggest that the people interviewed in the broadcast were responding to the specific events covered by the news reports. The montage was illustrative of changing weather patterns in the form of excessive summertime temperatures.

The ACMA does not consider it to be misleading to use examples of accurate reports about recent excessive and record-breaking heat-related weather events to provide an illustrative opening segment, the purpose of which was to contextualise the case studies that followed (which examined the actions taken by individuals in response to a changing climate).

Accordingly, the ABC did not breach Standard 2.2 of the Code in the use of the montage of news reports on extreme heat-related weather events.

*Inclusion of only selected anecdotal examples, unrepresentative of their total industry*

The complainant alleged the broadcast was misleading to audiences because it presented only a few opinions that were ‘highly anecdotal’ and ‘an unrepresentative extremely small sample in relation to the total industry’.

According to the complainant, this presentation contributed to the misleading proposition that Australian agriculture was ‘increasingly suffering as a consequence of recent severe weather events’.

Was the particular material factual in character?

The broadcast was presented as an account of individual observations, perspectives and opinions about perceived weather changes and strategic responses.

It was presented as a factual program.

*If so, was that factual content presented in a way that would materially (that is, in a significant respect) mislead the audience?*

The broadcast primarily consisted of individual accounts of people who believed weather changes had been negatively impacting their properties and business. This included exploration of their concerns about future changes, and how they were adapting their practices to deal with these concerns.

It follows that in the context of this storyline, the relevant individual accounts that would be included were those of people who felt they were being affected, or potentially affected by climate change.

If the broadcast was presented as an overall analysis of the effects of climate policies on Australia’s primary industries, or of how actually observed effects of changing weather patterns had impacted agricultural sectors, or an examination of the positive and negative effects of changing climate conditions, it would follow that the selection of a small number of particular viewpoints could potentially mislead an audience.

However, these were not the themes of the broadcast.

The premise, clearly articulated in the introduction, was that the broadcast was an exploration of responses by individuals to their perception of changing weather patterns. Within this context, the number and selection of case studies was not materially misleading.

Accordingly, the ABC did not breach Standard 2.2 of the Code.

*Statement by Mr Royds:*

The complainant alleged Mr Royds’s statement was inadequately scrutinised by the ABC in the broadcast.

The statement was:

Yes we have 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing .8 of a degree per decade. So, in that thirty-year period, it's gone up 2.4 degrees, maximum temperature

Was the particular material factual in character?

As stated previously, the ACMA considers Mr Royds’s statement to be factual, as it is specific, unequivocal and capable of independent verification.

*If so, was that factual content presented in a way that would materially (that is, in a significant respect) mislead the audience?*

The complainant alleged it was an ‘inexcusable’ failure of the ABC not to query Mr Royds’s ‘claims’ in the broadcast.

The Principles accompanying the accuracy provisions of the Code provide guidance on the expectations on the ABC for making ‘reasonable efforts, appropriate in the context, to signal to audiences any graduations in accuracy’.

These include ‘querying interviewees, qualifying bald assertions, supplementing the partly right and correcting the plainly wrong’.

Further, Standard 2.2 specifies that in some cases, factual content may require appropriate labels or other explanatory information to ensure that it does not materially mislead the audience.

In this case, the presenter’s introduction framed the program as a report on ‘a growing number of Australians’ who were ‘taking matters into their own hands’ in response to weather changes that for them, were ‘no longer theoretical’.

This signalled to the audience that the people included in the broadcast were already implementing measures in response to the perceived negative impacts of climate change. Mr Royds’s statement about temperature records on his property was one account of such personal perceptions.

There was nothing in the way Mr Royds’s statements were presented to suggest that his temperature records had been independently verified or that he was providing expert opinion on climate change in general.

As previously stated, the ACMA accepts the ABC’s submission that it was reasonable for them to rely on the accuracy of the statements by Mr Royds, when presenting Mr Royds’s account of his own farm records to the viewer.

Additionally, the source of the figures was clearly labelled, with the reporter questioning Mr Royds:

Martin, these are your weather graphs?

There was nothing in the way Mr Royds’s presented his measurements to suggest it could be materially misleading to the audience, and any potential graduations in accuracy of his figures were appropriately signalled by framing Mr Royds’s figures as his own private farm records, and not public records that had been scientifically verified.

By presenting the material is such a way, the audience was not misled but remained open to coming to their own conclusions about the validity of Mr Royds relying on his data as a basis for action.

Accordingly, the ABC did not breach Standard 2.2 of the Code in the presentation of Mr Royds’s statement.

*Statement by Mr Brown*

The complainant alleged the following statement by Mr Brown was inadequately scrutinised by the ABC in the broadcast:

And we decided that we would do our planning in future on a two-degrees increase in our vineyard temperatures and that we would have less water available.

Was the particular material factual in character?

The statement was factual content, as it was specific, unequivocal and capable of independent verification.

*If so, was that factual content presented in a way that would materially (that is, in a significant respect) mislead the audience?*

Mr Brown’s statement was presented in the context of a discussion about the effects of a ten year drought on Brown Brothers’s operations, when the cost of water had increased from $100 a tonne to $800 a tonne, thereby changing ‘the dynamics’ and challenging ‘the profitability of the industry’.

As the Executive Director of Brown Brothers, it was reasonable for the ABC to rely on Mr Brown’s accounts of the company’s strategic business planning. Further, the ABC was not required to query the validity of Brown Brothers’s planning processes, given the focus of the report was an exploration of the responses to perceived changing weather patterns.

The ACMA considers the ordinary reasonable viewer would have understood Mr Brown’s statement to be relevant to his business only, and his perspectives were clearly presented as his own. It was open to the audience to make its own assessments of the appropriateness of Brown Brothers’s decisions.

The presentation of his statement was therefore not materially misleading to the audience.

Accordingly, the ABC did not breach Standard 2.2 of the Code in the presentation of Mr Brown’s statement.

Issue 2: Corrections and clarifications

Relevant standard

Standard 3. Corrections and clarifications

**3.1** Acknowledge and correct or clarify, in an appropriate manner as soon as reasonably practicable:

1. significant material errors that are readily apparent or have been demonstrated; or
2. information that is likely to significantly and materially mislead.

In the case of corrections and clarifications, the relevant Principles provide:

A commitment to accuracy includes a willingness to correct errors and clarify ambiguous or otherwise misleading information. Swift correction can reduce harmful reliance on inaccurate information, especially given content can be quickly, widely and permanently disseminated. Corrections and clarifications can contribute to achieving fairness and impartiality.

Finding

The ABC did not breach Standard 3.1 of the Code.

Reasons

The complainant has stated that ‘public corrections should be made’ for the ‘biased agenda that was launched from word go in the introduction’ and for the ‘three news grabs that were inherently unreliable and false’.

Standard 3 of the Code applies to errors and misleading information.

As the ACMA has determined that the relevant broadcast material did not contain any significant material errors or information that was likely to significantly and materially mislead, the requirements of Standard 3.1 of the Code are not applicable in this instance.

Issue 3: Impartiality and diversity of perspectives

Relevant Code provision

**Standard 4. Impartiality and diversity of perspectives:**

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

The ACMA also takes account of the relevant Principles set out in the Code.

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

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

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

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

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

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

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

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

Finding

The ABC did not breach Standard 4.1 of the Code.

Reasons

To assess compliance, the ACMA has considered the following:

* contextual factors
* the ABC’s hallmarks for impartiality

The ABC’s hallmarks of impartiality do not operate as a checklist, but inform the way in which the ABC discharges its obligation to gather and present news and information impartially. The hallmarks also assist news, current affairs and factual content producers to make considered editorial judgements about the nature of the content they produce and the context in which it appears.

Under the Code, impartiality does not require that every perspective receives equal time, nor that every facet of every argument is presented within a single program. A primary consideration in assessing the impartiality of content is the likely audience expectations of that particular content.

Following this, a program that presents a perspective that is opposed by a particular person or group is not inherently partial. Whether a breach of the Code has occurred depends on the themes of the program, any editorial comment, the overall presentation of the story and the circumstances in which the program was prepared and broadcast.

The complainant submitted:

This complaint is confined only to the introduction segment of the programme for which at least four major public corrections should be made […] It is a short focus complaint that is only intended to expose the biased agenda that was launched from the word go in the Introduction […] The overall emotional introduction included the use of the word ‘*intransigence’* which is a misleading opinion coming from what viewers likely believe is an expert. However, it contradicts that most politicians in all parties actually do believe that global warming is a serious issue. In fact they have been trying to do something about it under great difficulties. Many measures have been democratically implemented in a complex mix of economics and competing alternatives and interests. […] But, if this investigative journalism programme held a nonaligned agenda, it would have equally reported on yet other individuals who opine that the government policies are excessively reactive.

[…]

It is the primary industry sector where climate change has greatest potential for direct impact, and the anecdotal opinions of only four individuals were presented. […] There were no representatives from the important and robust wheat or vegetable sectors for instance. […] Other involvees in the programme (not all listed in c below) were less directly affected by climate change (some are even office bound) but they arguably benefited in some way from spreading alarming messages.

1. *c) “…For all of them, farmers, wine makers, fruit growers, doctors and emergency service workers, adapting to climate change has become a necessity.”*

*‘All of them’* in the directly affected primary industries includes one highly unrepresentative beef grazier with an apparent interest to spread alarm to boost his other business concern, two vignerons with very different claims and interests, and one boutique orchardist worried about his always-have-been variable cherries.

The ABC responded to the complainant:

The focus of this broadcast was the personal accounts and experiences of farmers, wine makers, fruit growers, doctors and emergency service workers on how they are adapting their practices to cope with the world’s changing weather patterns. The introduction to the report made it clear to the audience that –

*Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into* ***their own hands****.* ***For them****, climate change is no longer theoretical. It's here, now. There are no politicians in tonight's story... Only people who've seen,* ***from their own experience****, that the change to our climate is under way.*

This was not a report focused on questioning the scientific evidence on whether the climate is in fact changing and we are satisfied there was no editorial requirement, or relevant reason, within the context of this report for the program to dispute the personal accounts of the people featured or to present the information you refer to in your correspondence.

The ABC submitted to the ACMA:

As was made clear in the introduction, this program deliberately avoided the politics of climate change and instead sought to explore the stories of ‘a growing number of Australians … taking matters into their own hands … In tonight's story Michael Brissenden travels through the country meeting people who are changing their practices to cope with the new weather patterns’.

The program included a diversity of perspectives, speaking to farmers, wine makers, fruit growers, doctors and emergency service workers as well as professionals working in corporate roles. It contributed to the wide range of perspectives the ABC has presented on climate change over an extended period of time.

The term ‘intransigence’ was used specifically in reference to ‘the political system’, not any particular political party or school of thought. It indicated that the different views on this issue at the political level had not been reconciled and no compromise solution had been struck. This statement was duly impartial and did not unduly favour one perspective over another.

The complainant expressed concern about bias in the introduction to the broadcast, and a lack of opposing perspectives during the broadcast.

The ACMA has assessed the question of whether the broadcast has fulfilled the requirement for due impartiality, by considering contextual factors and the ABC’s hallmarks of impartiality with respect to the specific complaint about the introduction segment of the program.

Range of perspectives on political action

The presenter’s introduction, which occurred as a separate segment prior to the substantive content, stated that ‘political arguments over climate change have gone on for years, frustrating progress at every level’.

The contrast was made between apparently ‘hands-on’, practical responses from individuals and a political system unable to reach a consensus on climate change. This central point of the introduction informed the audience that the broadcast would differ from the many other broadcasts about climate change that focused on public policy issues.

The statements about undecided politics set the scene for why the report was only focusing on personal stories (that is, not political action but personal action).

As an introduction explaining that the broadcast was not about the political sphere, the ABC was not required to present perspectives about the politics of climate change.

Use of ‘intransigence’

The complainant expressed concern that the use of ‘intransigence’ in the introduction could be misleading to audiences, and was evidence of a ‘biased agenda’.

The presenter made the following statement:

Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into their own hands.

For them, climate change is no longer theoretical. It's here, now. […] There are no politicians in tonight's story … only people who've seen, from their own experience, that the change to our climate is under way.

The ACMA considers the ordinary reasonable viewer was likely to understand that ‘intransigence’ was used to refer to ‘the political system’ generally and the difficulties of reaching consensus on a complex matter such as climate change. It was not a reference to particular political parties or specific agendas.

The ACMA observes it is widely reported and accepted that there has yet to be a political consensus in Australia on climate change.

Following this, a statement about the inability of the political system to facilitate an agreement was appropriate in the context of the report, and did not convey bias.

Use of ‘all of them’

The complainant was concerned with the presenter’s reference to ‘all of them’ in the introduction, as there were only ‘four individuals’ included in the broadcast, who were ‘unrepresentative’ of their respective industries.

The presenter said:

In tonight's story Michael Brissenden travels through the country meeting people who are changing their practices to cope with the new weather patterns.

For **all of them**, farmers, wine makers, fruit growers, doctors and emergency service workers, adapting to climate change has become a necessity [bold added].

When taken in context, the statement ‘all of them’ was likely to be understood by the ordinary reasonable viewer to be referring to the people whose perspectives were included in the broadcast, not the entire industry they were from.

A program that presents a perspective that is opposed by a particular person or group is not inherently partial. Themes of the program, editorial comment, and the overall presentation of the story can impact the expectations of the perspectives that it would be reasonable to include.

In this case, the contentious nature of climate change was acknowledged from the opening lines of the introduction. The existence of differing perspectives about climate change was also touched on by some of the interviewees, including Mr Cowling, who stated:

I know there's two trains of thought.

One thinking we're just going through a cycle and that we'll revert back to what we call normal seasons.

But my feeling is that we are on a path that it’s just going to get hotter.

That's my particular feeling.

The broadcast was not presented as an in-depth exploration of the science of climate change, or of policies being proposed in the political sphere, or as a representation of the views of all primary producers in Australia.

Instead, it provided perspectives of specific people who were already ‘taking matters into their own hands’ as a result of the belief that climate change was affecting them.

In this context, the Code does not require a critical examination of opposing views on climate change science, so long as the ABC has provided opportunities, over time, for principal relevant perspectives to be expressed.

The ABC submitted to the ACMA that the broadcast had ‘contributed to the wide range of perspectives the ABC has presented on climate change over an extended period of time’.

The ACMA observes that climate change is an issue that has received significant ABC—and other— media coverage over time. The ordinary reasonable viewer would likely be well aware of the ongoing public debate and associated perspectives on the issue.

The theme of the broadcast was the presentation of the views and experiences from people who have accepted and responded to the impacts of a changing climate. The range of perspectives presented were in accordance with this theme and did not indicate a lack of impartiality.

Accordingly, the ABC did not breach Standard 4.1 of the Code.

Attachment A

Transcript of that part of *Four Corners*, broadcast on ABC on 5 March 2018, to which the complaint refers

SARAH FERGUSON: Hello and welcome to *Four Corners.*

The political arguments over climate change have gone on for years, frustrating progress at every level.

Faced with the intransigence of the political system, a growing number of Australians are taking matters into their own hands.

For them, climate change is no longer theoretical. It's here, now.

In tonight's story Michael Brissenden travels through the country meeting people who are changing their practices to cope with the new weather patterns.

For all of them, farmers, wine makers, fruit growers, doctors and emergency service workers, adapting to climate change has become a necessity.

And corporate Australia has been warned that companies who don’t adapt could be liable for the consequences.

There are no politicians in tonight's story...only people who've seen, from their own experience, that the change to our climate is under way.

SYDNEY NEWSREADER: "Tonight fires break out across the state as Sydney sizzles and the mercury soars, with Penrith recording its hottest day ever at 47.3 degrees.

BRISBANE NEWSREADER: "Queenslanders have suffered through temperatures at least 10 degrees above average as the heatwave sets in for the weekend.

MELBOURNE NEWSREADER: "The state's public transport system and power supply have come under pressure as Melbourne baked through its hottest day in two years.

MICHAEL BRISSENDEN: Another long hot summer is finally over...

2017 was the third hottest year ever recorded in Australia - seven of the ten hottest years ever have occurred since 2005.

But the professional weather watchers say the changes in weather patterns started showing up decades ago.

KARL BRAGANZA, Manager of Climate Monitoring, Bureau of Meteorology: Really you can see the average Australian temperature has started increasing pretty much from the middle of last century. So from around 1959 and 60 onwards we see this pretty consistent warming trend.

It's really though once you get to the 90's that you started to see that shift in the more extreme weather.

MICHAEL BRISSENDEN: This is the nerve centre of Australia's weather and climate monitoring - the Bureau of Meteorology.

The specialists here analyse the weather as it's happening... make predictions and model long term climate trends and projections.

KARL BRAGANZA: If we’re talking about predicting conditions that we've never seen before that's a test of our modelling capability for example...

MICHAEL BRISSENDEN: Karl Braganza heads up the Bureau of Meteorology's climate monitoring division.

His team is now seeing a direct link between climate change and some of the more recent extreme weather.

KARL BRAGANZA: Australia had three hottest springs on record between 2013 and 2015. And we're actually able to run our weather and climate models, look at some of those spring heatwaves and actually see those events got an extra push from climate change itself. And that's sort of what we're looking at now.

Some of those extreme events we are actually able to say that climate change has played a role in those.

MICHAEL BRISSENDEN: The Bureau of Meteorology has tracked a significant average temperature increase over the last century.

KARL BRAGANZA: the climate of Australia has warmed.

Both the terrestrial environment and the marine environment has warmed by around a degree.

That might not sound like a lot, but when you translate that into marine and terrestrial heat waves, and extreme heat days, then you actually are starting to see quite a noticeable difference now across Australia.

Most locations are setting heat records at a much greater rate than they used to in the past.

MICHAEL BRISSENDEN: Driving through the Australian countryside at the end of summer, the landscape usually looks dry.

But farmers say they are now seeing a discernible change.

The arguments around climate and the policy responses to it continue to cause political disruption and division but it's clear there is something happening with the weather.

Over the last few months Four Corners has travelled around the country to get a sense of that shift and to gauge how that shift has already challenged almost every aspect of our lives.

MICHAEL BRISSENDEN: Martin g’day.

MARTIN ROYDS: Michael, lovely to meet you.

MICHAEL BRISSENDEN: You too...

Martin Royds is a fifth-generation farmer...he runs cattle on a property just outside Braidwood on the NSW southern tablelands.

MARTIN ROYDS, Jillamatong Beef, Braidwood NSW: The temperatures are more erratic, we seem to get frosts in the middle of summer, we've had frosts nearly on Christmas day.

We're getting hot, dry weather in the middle of winter. So we’re going…the climate’s got a lot more erratic

MICHAEL BRISSENDEN: Farming here is changing and tracking the temperatures shows why.

The weather is more erratic but overall the temperature trend is in one direction.

MICHAEL BRISSENDEN: Martin, these are your weather graphs?

MARTIN ROYDS: They are yes, we have 130 years of rainfall and temperature graphs.

Since 1985 to now, the temperatures have been increasing .8 of a degree per decade.

So, in that thirty year period, it's gone up 2.4 degrees, maximum temperature.

My family has gone through at least five bad droughts since 1890s to now. There was a bad one '29, '45, and 70s, 80s. Our resilience of the land has dramatically changed.

So the land doesn't respond and come back as quickly as it used to after drought.

That underlying increasing temperature just makes it harder for things to recover.

MICHAEL BRISSENDEN: All around the district the dams have been drying up...

Braidwood slipped into drought once again and it's taking a heavy toll on the local farmers.

MARTIN ROYDS: It's actually easier when you say to these blokes who are feeling like a failure, where they've seen that their fathers or grandfathers have survived bad or worse droughts than they're struggling with, to say, actually, "It's climate change, it's not you."

That's, funnily enough, sometimes a relief because they go well, "Dad or Granddad didn't have that problem, and his was just a change in the rainfall."

When the temperatures have started to kick up like they have here, then it gives them a reason to understand why they’re not surviving as well.

MICHAEL BRISSENDEN: Martin Royds has radically changed the way he farms.

He's restored the natural water flows across his property.

He runs fewer cattle, rotates his stock, and rests his paddocks.

MARTIN ROYDS: There is a growing band of regenerative farmers who are saying, you know, we can modulate the temperatures back down again by getting better ground cover, more water in the system, more trees, etc. If we don't do that, then I may as well sit on a beach somewhere, I suppose.

MICHAEL BRISSENDEN: Adaptation is now a necessity for farmers all across the country...

It hasn't been a bad season for cherry farms around Adelaide...

The backpackers are carefully hand-picking the best fruit...but even here the old farmers say it's not what it once was.

JOHN COWLING, Cowling Cherries, Willow Glen, SA: Dad always claimed that cherries had a three year cycle on average.

A very heavy crop, a light crop, a medium crop, then back to a heavy crop.

And he claimed that that was the normal cycle for a cherry. But now it's all over the shop with mainly light crops

MICHAEL BRISSENDEN: The harvest time for cherries is moving forward.

JOHN COWLING: Traditionally you start picking early November.

Usually around the end of the first week of November over the years.

But several seasons in the last ten, fifteen years, we've started, last week of October.

So that's fairly unusual.

MICHAEL BRISSENDEN: Driving through the orchard with John Cowling is a journey through his own family history…it's not a big farm…11 hectares…but it's provided a good living for generations.

JOHN COWLING: The property was bought by my great grandfather in 1882.

My grandfather did most of the expansion, and he also bought the property next door.

My father and I have both worked it since we left school.

MICHAEL BRISSENDEN: The Cowlings do a brisk trade - selling mostly at the farm gate to loyal and appreciative customers…

MAN: We’re here to get some more cherries.

JOHN COWLING: OK.

MAN: Now, there’s one little difference after all these years. I need some, because I’m going to be putting some under grappa and port.

OLDER MAN: The smaller they are the better it is for that reason

MAN: Right.

JOHN COWLING: you want smaller ones...

MAN: …well because we're putting them in containers.

JOHN COWLING: …you want more in a jar that you can.

MAN: …well the thing is that when you come to eat the cherry it’s quite an alcoholic bomb...ha ha ha

MAN: Could I have a kilo of those...

MICHAEL BRISSENDEN: It's not the hot summer temperatures that hit cherries hard - cherries need winter chill and the winters have been getting warmer.

JOHN COWLING: I know there's two trains of thought.

One thinking we're just going through a cycle and that we'll revert back to what we call normal seasons.

But my feeling is that we are on a path that it’s just going to get hotter.

That's my particular feeling.

We hope it doesn't change any more.

MICHAEL BRISSENDEN: Cherries are sensitive…but grapes are even more temperamental.

To see how the changing weather is forcing change in one of our more celebrated agricultural crops, we came to the rich winemaking region in the Mt Lofty Ranges of South Australia.

David Bruer has been growing vines and making wine here at Temple Bruer Vineyards since 1978.

MICHAEL BRISSENDEN: So when did you plant these vines David?

DAVID BRUER, CEO, Temple Bruer Wines, SA: This is 2000, vintage Shiraz.

MICHAEL BRISSENDEN: It's all Shiraz here?

DAVID BRUER: This is all Shiraz, this block.

DAVID BRUER: We're, if you'll forgive the pun, we're the coalface of climate change.

We really are. We have a crop which is very sensitive to small changes.

These are relatively small changes. This is less than one degree, and look at the change. It's huge.

MICHAEL BRISSENDEN: South Australia was already a warm place for winemaking...David Bruer says it might now be getting too warm.

DAVID BRUER: So we try and get the grapes as cool as possible into the winery. That's the difficulty in avoiding heat stress or heat load on the winery.

MICHAEL BRISSENDEN: Have you noticed the grapes are getting hotter, if you don’t…?

DAVID BRUER: Yeah. Well we've had them come in at 40 degrees.

MICHAEL BRISSENDEN: Wow that's a hot grape.

DAVID BRUER: Yeah, oh it’s hopeless. You can't make decent wine from it.

MICHAEL BRISSENDEN: Small winemakers like this make most of their sales at the cellar door.

MAN: I’m still pretty interested in the Shiraz Cab, what do you reckon?

WOMAN: So the '09 Shiraz Cab?

MAN: Yes please.

WOMAN: Yeah totally, alright.

MICHAEL BRISSENDEN: David Bruer caters for a niche market. He uses no preservatives.

WOMAN: …and a Rosé? Alright I'll just go grab that for you now.

MICHAEL BRISSENDEN: He’s a member of The Greens and he farms organically.

So, this is 1991. When did you pick the Shiraz?

DAVID BRUER: Shiraz was picked in…second week in March.

MICHAEL BRISSENDEN: In his vineyard lab, David Bruer keeps precise records of each vintage.

He says it's clear the warming trend is affecting the quality and the timing of his picking.

MICHAEL BRISSENDEN: The trend line I think is the important thing. That's what shows the earlier picking, right?

DAVID BRUER: That's right. In this case it's shifting from mid-March to mid-February. And this is late march to late February, same thing.

MICHAEL BRISSENDEN: So a month earlier in 40, or 34 years...yeah

DAVID BRUER: 34 years, we've shifted forward about a month.

We're finding fruit is turning up hotter.

It's putting more strain on our refrigeration, but more importantly I think is that we're finding higher sugar levels.

In order to pick at the same flavour, we're finding higher sugar levels. So this is an indirect effect of climate change.

The direct effect is that we're picking earlier.

34 years ago we used to pick in the middle of March - we're now picking in the middle of February.

MICHAEL BRISSENDEN: In Milawa Victoria - 800 kilometres to the east of the Bruer winery - the wine-making is industrial in scale.

Ross Brown's family has been making wine at this site for almost 130 years.

Their detailed vintage charts are now a valuable climate record.

ROSS BROWN, Executive Director, Brown Bros: Our records show that the temperatures are rising and that there's less rainfall.

And so, consequently, it does impact on our harvest and we're finding our harvests are becoming shorter and earlier.

Which is forcing quite a change in the way we grow and make our wines.

MICHAEL BRISSENDEN: For Brown Bros the turning point was the millennial drought...

ROSS BROWN: That drought went on for ten years and it got hotter and drier and the availability of water started to really shock us because water availability for our vineyards, and particularly in the Murray Valley, went from something like $100 a tonne to $800 a tonne in a couple of years and that really changed the dynamics and the way we thought about our vineyards and the profitability of the industry.

MICHAEL BRISSENDEN: Their determination to keep the business viable led to significant change.

ROSS BROWN: Up to then we were probably sceptics.

We probably thought that we were seeing some irregularities, but when we saw those ten years of drought and the impact it was having on our business, we started to really research it and think about it very seriously and it was off the back of that our board decided that we needed to make some significant changes.

And we decided that we would do our planning in future on a two degrees increase in our vineyard temperatures and that we would have less water available.

And by making a strategic decision, has really changed the way we look at our vineyards, and which grapes we grow and what location.

MICHAEL BRISSENDEN: Growing cool climate varieties like sparkling whites and pinot noir has become unreliable.

ROSS BROWN: Now we go, go out of the way particularly to shade the fruit in the afternoon and the western sun.

MICHAEL BRISSENDEN: The Company has begun experimenting with new varieties.

ROSS BROWN: This is a wine we have championed with the CSIRO. They've had a vine breeding program, with specific determination to find a grape that takes a long time to ripen in a hot climate. But the future I think is....

MICHAEL BRISSENDEN: But that's not all - the company has now also decided to move part of its operation to cooler country.

ROSS BROWN: Tasmania is a good foil and we're finding that has been a good balance to have a cooling into our spectrum of climate, and we still do grow grapes on the mainland. And there's grape varieties that thrive very well in the warmer climates.

But it's a matter of having the right grape in the right soil in the right location.

MICHAEL BRISSENDEN: What you're doing is predicated on a two degree rise. What happens if it goes beyond that?

ROSS BROWN: Well, we don't know where to go after Tasmania. We don't know where to go after Tasmania because where do you stop?

MICHAEL BRISSENDEN: On small farms the decisions about how to adapt are often made around the kitchen table. In big concerns like this the discussions move to the boardroom. Corporate Australia has been warned. The changing weather is no longer something they can afford to ignore.

[…]

Attachment B

Complaint

***Extracts of complaint to the broadcaster (dated 23 April 2018) and ACMA (29 May 2018):***

**Complaint summary:** The programme presented various anecdotal claims associated with recent severe weather events that prima facie seemed to be far-fetched. When those claims were subjected to the simplest of validity checks they were found to be false and very misleading. Also, important information that is available from various authoritative sources but that was opposite to the dramatically orchestrated programme agenda was excluded.

**Example 1)**

**1.1) From the transcript:**

“MARTIN ROYDS, Jillamatong Beef, Braidwood NSW: The temperatures are more erratic, we seem to get frosts in the middle of summer, we've had frosts nearly on Christmas day. We're getting hot, dry weather in the middle of winter. so the climates got a lot more erratic.”

A simple Google search for ‘Summer frost NSW Australia’ yielded 428,000 hits, but nothing of relevance was found. A similar search for ‘hot winter day NSW Australia’ yielded only a report of a single warm day of 26°C in Sydney in July 2017. However, Sydney is incomparable climatically because Braidwood is located at an altitude of about 690m (2,250 feet), in The Tablelands east of Canberra.

So, what does the Bureau of Meteorology (BoM) have to say? Quite a lot actually. They opened a weather station at Braidwood Racecourse in 1985, and:

There was a solitary rather cold overnight Summer minimum of 2.3°C C on the 17/Feb/2017, but it was consistently colder in past decades [figure referred to in complaint not included].

There was a solitary warm winter day maximum of 20.9°C on 22/August/2015, but again, it was consistently warmer in the past, with a notable cluster of up to 22.3°C in 1995 [figure referred to in complaint not included].

**1.2)** From the Transcript:

MARTIN ROYDS: Yes we have 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing .8 of a degree per decade. So, in that thirty year period, it's gone up 2.4 degrees, maximum temperature.

However, that would be an eight-degree rise per century, or implausibly about eight times greater than the Australian average as stated by the BoM’s Dr Braganza at 5 video-minutes. Also, the BoM data show no discernible warming trend in the summertime maxima at the racecourse [figure referred to in complaint not included].

**1.3)** From the Transcript (summarising Mr Royds’ views):

“MICHAEL BRISSENDEN: All around the district the dams have been drying up... Braidwood slipped into drought once again and it's taking a heavy toll on the local farmers.”

However, the available BoM rainfall data for the Racecourse reveals no discernible rainfall reduction trend since 1985 and nothing unusual in annual variability apart from a drier period in the 1990’s [figure referred to in complaint not included].

[…]

**Example 2)**

The opening narrative sets-up the programme agenda with several sensational TV news grabs:

**2.1)** Sydney newsreader:

"Tonight fires break out across the state as Sydney sizzles and the mercury soars, with Penrith recording its hottest day ever at 47.3 degrees.

This claim became rapidly obsolete in the media with widespread correction of a mistaken early tweet from the BoM. Again, your investigative reporter apparently failed to do a quick online search for ‘Penrith 47.3’ or the like. Maurice Newman, a former Chairman of the ABC put it rather succinctly in The Australian:

“…according to Australia’s Bureau of Meteorology, little old Penrith in Sydney, Australia, was the warmest spot on the planet, recording its highest temperature ever, having “broken the all-time maximum temperature record for… the Sydney metropolitan area”. Well, perhaps in all that excitement the bureau can be forgiven for overlooking the fact Penrith Lakes started recording temperatures only in 1995 and for missing a much higher temperature recorded in nearby Richmond in 1939. But they were right. It was hot.”

**2.2)** Brisbane newsreader:

"Queenslanders have suffered through temperatures at least 10 degrees above average as the heatwave sets in for the weekend.

The claim of “at least 10 degrees above average” is again severally misleading including that sparsely populated areas in the hot centre have a long history of very high fluctuations in temperature that were more severe than those of late. Your programme failed to reveal the proper perspective of various less alarming reports such as in the Brisbane Times on 15/Feb/2018 (even though it too is partly exaggerative or mistaken when compared with the relevant BoM databases):

“[BoM] forecaster Sean Fitzgerald said much of Queensland recorded temperatures above 35 degrees during the week.

In particular, out west is where it is very very hot - temperatures out there are at or exceeding 40 in some places, so quite a bit above average,” Mr Fitzgerald said.

“Lots of places are five degrees above average and some places are even 10 degrees above average, so plenty of warm temperatures about the state.

“You’re talking about places like Charleville, Longreach, Roma even Toowoomba.”

Records were also broken in Winton in central-west Queensland which recorded 46.5 degrees on Wednesday, breaking a February 28, 2016, record of 45.5\* degrees, while a couple of hundred kilometres south, in Richmond, a 1983 record of 44 degrees was broken when the town hit 44.5 degrees.”

However, when the BoM databases are examined, all six stations cited were relatively cool in recent times. (e.g. figures 4, 5, 6) Mistakenly, the forecaster’s statement about Richmond is strongly contradicted in figure 3, and, although the stated 45.5 in 2018 is apparently OK, one of the corrective BoM tweets on the saga in 2.1 above admitted that it was 2.3 degrees hotter in 1939. Also, the Winton, Roma and Toowoomba examples only have short records that are incapable of providing long-term trend determinations. Moreover, Winton’s 45.5 in 2018 did not break the record high of 46.9 on 1/Dec/2006 anyway!

[…]

**Complaint summary**: The programme inferred that Australian agriculture is increasingly suffering as a consequence of recent severe weather events. However, the few opinions selected were highly anecdotal and an unrepresentative extremely small sample in relation to the total industry. Various claims were contradicted by authoritative sources such as the Australian Bureau of Statistics (ABS) and the Bureau of Meteorology (BoM) data.

Four Corners failed to provide balance or to check the relevance and validity of many alarming claims.

**1) Agriculture, misleading claims:**

Part 1 of this complaint focusses on the storyline that Australian agriculture is greatly suffering under an assertion of worsening weather conditions. However, the report is based only on the opinions from one beef grazier, one cherry grower, and two vignerons that are revealed below to be highly unrepresentative even within their niche sectors of agriculture.

[…]

From the transcript (my underlining):

“SARAH FERGUSON: Hello and welcome to Four Corners. The political arguments over climate change have gone on for years, frustrating progress at every level. Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into their own hands... …For all of them, farmers, wine makers, fruit growers, doctors and emergency service workers, adapting to climate change has become a necessity…”

“MICHAEL BRISSENDEN: Adaptation is now a necessity for farmers all across the country...”

**1.1)** “All across the country”:

[…]

Unsurprisingly, Australian crop production volatility has sensibly increased in rough proportionality with production rate and it correlates with a sensible smoothed trend expectation. There is no indication of recent climate change issues, and production even peaks in the hottest ever Summer (during the hottest ever full year of 2013).

[figure referred to in complaint not included] relates to the claims of the solely selected NSW beef grazier and herewith two of [X’s] graphics give a more realistic industry perspective through to 2016:

Again, there is no credible signal of climate-change-caused reduction of stocks among an always volatile sector, in which the Indonesian crisis in 2013 was infamous.

[…]

**2) Poor scientific quantification of alarming claims for agriculture:**

To most lay viewers, an impression (and the apparent programme intent) was probably given that the opinions expressed by the four agriculturists were verified by the BoM spokesperson Dr Karl Braganza. Admissibly, your Four Corners team can be excused for not realizing that many of the BoM statements had unsubstantial relevance or quantification WRT at least the alarming claims for agriculture.

However, there was an exception where investigative journalism clearly failed, and quoting from the transcript:

**2.1)** The rate of warming quantified (my underlining):

“MICHAEL BRISSENDEN: The bureau of meteorology has tracked a significant average temperature increase over the last century.

KARL BRAGANZA, Manager of Climate Monitoring, Bureau of Meteorology: the climate of Australia has warmed. Both the terrestrial environment and the marine environment has warmed by around a degree.”

Whilst his assertion is quite true, it is too broad a metric for the assessment of any agricultural impacts. Four Corners can also be excused for not realizing that what really matters for your NSW grazier is the regional summertime heat, not the Australian whole-of-year averages. And, that according to BoM data, the Summer maximum temperature averages for NSW have trended warmer by only a trifling 0.6 degrees per hundred years, not at around a degree as inferred. Also BTW, it has trended higher there in Winter at 1.1 degrees per century, which should be good news.

Inexcusable is that the team failed to query the said grazier’s claim of:

“MARTIN ROYDS: Yes we have 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing .8 of a degree per decade. So, in that thirty-year period, it's gone up 2.4 degrees, maximum temperature.”

Or this from a vigneron:

“ROSS BROWN: “…And we decided that we would do our planning in future on a two-degrees increase in our vineyard temperatures and that we would have less water available.”

**Finally:**

This complaint is not to deny climate change but to show that the fears expressed in the video do not withstand proper scrutiny, and that the public have been misled with gross exaggerations from a tiny sample of unrepresentative opinions and interests.

[…]

**1) The Australian wine industry segment:**

This complaint […] focusses on how the Four Corners team failed to properly investigate the alarming claims emanating from a very small sample of 2 out of some 5,000 vignerons (0.04%).

[…]

*“MICHAEL BRISSENDEN: But that's not all - the company has now also decided to move part of its operation to cooler country.”*

Worryingly, there is voice-over and muting in the video while implying a move to Tasmania, and Mr Brown is not heard to voice any planned vineyard acquisitions or disposals anywhere. In fact, they already operate vineyards in Tasmania as part of their famed varietal mix. (‘Kayena’ in 1994, ‘Hazards’ in 2005, and Tamar Ridge plus Devils Corner and Pirie label in 2010).

Unfortunately, shortly after the 2010 acquisitions, global demand problems arose in the industry [figure referred to in complaint not included] and contrary to any fears and plans over global warming or repetition of the millennial drought experience described […] above, in 2013 they sold two of their cool climate vineyards. Here is some background as to the non-climate-change reasons why, extracted from this report:

“MILAWA’S Brown Brothers winery has announced the company’s two smallest vineyards will be put on the market. Chief executive [X] said the company would sell Whitlands Vineyard in the King Valley and White Hills Vineyard in Tasmania as a going concern… ... “It’s a combination of the high Australian dollar making our wines very expensive in the UK and Europe and all those European economies struggling that has seen our wine consumption declining,” [X] said.

Brown Brothers has eight vineyards across Victoria and Tasmania. Whitlands Vineyard, located 800 metres above the King Valley, is renowned for being home to Brown Brothers’ award-winning sparkling wine.

And, from this parallel report quoting public relations manager [X]:

“With our focus on Prosecco at the moment, we're going to concentrate on our Banksdale vineyard and therefore we don't have as much need for the Pinot Noir and Chardonnay up at Whitlands," she said. "The Whitlands property was also a big property for Pinot Grigio… Now that we've pulled back from the UK market, the Pinot Grigio isn't as useful”

Contrary to Michael Brissenden’s implication of intentions to relocate from mainland to Tasmania, Brown Brothers acquired a mainland winery in the Yarra Valley in Victoria in 2016, also for varietal reasons (my underlining):

“Brown Brothers [X] said Brown Brothers has been investigating growth opportunities to enhance its leadership position within the Australian wine market...

… “Brown Brothers sees great synergies in the premium positioning of the Innocent Bystander brand with its focus on growth grape varieties that enhance our own category leadership position in moscato, pinot gris, pinot grigio, pinot noir and prosecco” he said.”

I underline moscato above because of this report extract:

“In fact, [Moscato has] become our most popular white wine, with Brown Brothers Moscato the No.1 best-selling label in the country.”

It is also relevant to quote Ross Brown’s varietal thoughts from back in 2012 (my underlining):

“We see pinot noir as being an important grape variety in the future. Wine cycles tend to last about 10 to 15 years and we have seen that with chardonnay and sauvignon blanc which we believe are starting to run out of puff. “We see pinot noir, the fastest growing red variety, as being the next big cycle in wine which is why we have taken a position in Tasmania, said Ross… … “This acquisition [Tamar Ridge] complements our existing portfolio. For example, we don’t currently have the vineyard sites to compete in the pinot noir category but 30% of fruit from this acquisition is high quality pinot. In addition, we have always believed that Australia’s best sparkling wine will be made from the Victorian ‘High Country’ […] and Tasmania, and a significant portion of this acquisition is super-premium sparkling fruit.”

Then in 2013, they sold ultra-cool Whitlands at over 800 m (2,600 ft) elevation, as was explained […] above by their then [X] (apparently without fear of any threat from climate change).

[…]

Returning to the Transcript:

“ROSS BROWN: Tasmania's a good soil and we're finding that has been a good balance to have a cooling into our spectrum of climate. And we still do grow grapes on the mainland. And there's grape varieties that thrive very well in the warmer climates. But it's a matter of having the right grape in the right soil in the right location.”

So, it looks like Brown Brothers can maintain an excellent ever changing varietal range under the assumed scenarios over the next century or so. (Earlier-on Mr Brown even mentioned mitigation help from the CSIRO). That includes the bulk of their wines that come from warm climate vineyards, including their warmest and largest (281 Ha) in the Murray Valley. If any relocation from there is eventually needed, perhaps they should go to NSW where the centennial summer warming rate has been much lower than in Victoria?

[…]

COMPLAINT:

Crucial audio was muted out from the video, thus loosing context of what was firstly said.

The statement by Mr Brissenden that followed was false:

Re Transcript:

“ROSS BROWN: [famed winery CEO] This is a wine we have championed with the CSIRO. They've had a vine breeding program, with specific determination to find a grape that takes a long time to ripen in a hot climate. But the future I think is**....**

MICHAEL BRISSENDEN: But that's not all - the company has now also decided to move part of its operation to cooler country.”

The four dots mark the muting-out of audio. Below is a copy of an email from […] of Brown Brothers, confirming that they have no plans “to move part of its operation to cooler country”.

She also enthused over the future of their biggest, hottest, driest, most productive vineyard and mentioned the new varietal ‘Mystique’ that they’ve developed there with the CSIRO. Brown Brothers are famed for their ever-changing wide range of varietals which have cycles in popularity and demand (to which it is also relevant to note that they respond to).

**From:** [X] **Sent:** Thursday, 12 April 2018 11:40 AM **To:** [X] **Subject:** Brown Brothers enquiry

Hi [X],

[…]

Thank you for your interest in Ross’ comments on Four Corners re: Climate Change and our actions in future proofing our business.

At this stage we don’t intend on selling any vineyards in Victoria. We have always had the philosophy that we grow the right varietals in the most suited climate so we have an incredible team who ensure we’re planning the right grapes in the right locations.

For instance, our property Mystic Park near Swan Hill is home to varietals such as Muscat of Alexandria and Cienna, varietals which thrive in a warmer climate.

We also work with the CSIRO to assist in developing new grape varietals that suit certain climates.

for instance a new varietal we are working on https://www.brownbrothers.com.au/products/15613-mystique/ is Mystique, which has been developed to grow in a warmer, drier climate.

[…]

Furthermore, the ABC Editorial Guidance Notes, that sit alongside the Policies, including Ensuring facts presented by others are accurate have clearly not been applied by the team, even if the gleefully assumed ‘facts’ below had been claimed by experts, which they were not. Neither was the Editorial Policy escape clause that ‘opinion’ need not be accurate available, because “facts” were claimed such as in stating precise numerical values that were actually false.

This complaint is confined only to the introduction segment of the programme for which at least four major public corrections should be made under section 3 Corrections and clarifications. It is a short focus complaint that is only intended to expose the biased agenda that was launched from the word go in the Introduction, including the use of three TV News grabs that were inherently unreliable and false, but that apparently the team eagerly accepted without question despite the Editorial Guidance Notes etcetera cited above.

[…]

Firstly, some extracts from Sarah Fergusson’s introduction (my underlining emphasis):

a) “…Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into their own hands.”

The overall emotional introduction included the use of the word ‘intransigence’ which is a misleading opinion coming from what viewers likely believe is an expert. However, it contradicts that most politicians in all parties actually do believe that global warming is a serious issue. In fact, they have been trying to do something about it under great difficulties. Many measures have been democratically implemented in a complex mix of economics and competing alternatives and interests. Of course, there will always be people out there that can be found that vocalize great dissatisfaction with those measures. But, if this investigative journalism programme held a nonaligned agenda, it would have equally reported on yet other individuals who opine that the government policies are excessively reactive.

b) “…a growing number of Australians are taking matters into their own hands.”

It is the primary industry sector where climate change has greatest potential for direct impact, and the anecdotal opinions of only four individuals were presented. Three of them are a questionable selection because they run niche enterprises, of which two are certified organic boutiques that are hardly representative. There were no representatives from the important and robust wheat or vegetable sectors for instance.

Simple online checking by a non-investigative-journalist revealed that the relevant industry Associations […] for those three horticultural sectors, representing thousands of regular enterprises do not list climate change among their primary concerns. Furthermore, Australian Bureau of Statistics information shows good productivity improvements over the past decade or so, except that unsurprisingly there is no productivity data available for the highly variable cherry sector.

Other involvees in the programme (not all listed in c below) were less directly affected by climate change (some are even office bound) but they arguably benefited in some way from spreading alarming messages.

c) “…For all of them, farmers, wine makers, fruit growers, doctors and emergency service workers, adapting to climate change has become a necessity.”

‘All of them’ in the directly affected primary industries includes one highly unrepresentative beef grazier with an apparent interest to spread alarm to boost his other business concern, two vignerons with very different claims and interests, and one boutique orchardist worried about his always-have-been variable cherries (while his apricots are apparently OK).

***Further complaint to the ACMA dated 4 June 2018:***

[…]

The ABC has responded to [an Op-ed in The Australian], including with the following extracts relating in part to my brief complaint No. 4 that Mr Newman cited:

Regarding the Four Corners report “Weather Alert” Mr Newman writes:

In the segment on Brown Brothers wine, he [Mr Brissenden] made it clear that due to the warming climate “the company has planned to move part of its operations to cooler country”. However, retiree Bob Fernley-Jones wrote to Brown Brothers and found: “At this stage we don’t intend on selling any vineyards in Victoria. We have always had the philosophy that we grow the right varietals in the most suited climate …” So, the story appeared to be an ABC ­invention, meant to add weight to the program’s catastrophic ­global-warming theme.

Response: Ross Brown from Brown Bros told the program\* at some length that they had already moved some of their operation to Tasmania. At no stage did Mr Brown or Mr Brissenden say that they planned to sell any of their mainland vineyards. In fact he stated that they still grow many varieties on the mainland and will continue to do so. [double Emphasis, \*not the viewers, added for below]

Here is the relevant part of the transcript:

MICHAEL BRISSENDEN: But that’s not all – the company has now also decided to move part of its operation to cooler country.

ROSS BROWN: Tasmania’s a good soil and we’re finding that has been a good balance to have a cooling into our spectrum of climate. And we still do grow grapes on the mainland. And there’s grape varieties that thrive very well in the warmer climates. But it’s a matter of having the right grape in the right soil in the right location…

[…] In their well-known pursuit of a wide varietal mix, Brown Brothers acquired Tasmanian vineyards and other assets ‘Kayena’ in 1994, ‘Hazards’ in 2005, and Tamar Ridge plus Devils Corner and Pirie label in 2010, only to sell one of them in 2013 (see below). These were not substitutional but additive to their Victorian operations. However, Mr Brissenden’s claim; “the company has now also decided to move part of its operation to cooler country” is in present tense, and, Mr Brown was not heard to announce movement of anything from the mainland either past, present, or future. Furthermore, as noted in complaint No. 3, it was worrying that the audio was muted-out immediately prior to the allegation. My related FOI request for the cut audio was refused BTW. Furthermore, Brown Brothers actually reduced the ratio of their cool climate assets in 2013 and again in 2016 because of changing varietal demand (below). Their most productive vineyard Mystic Park in the Murray Valley happens to be the hottest and driest BTW, and it continues to do well, per their email quoted in full in complaint No. 4.

My brief complaint No. 4 only addressed several unanswered points above after receipt of the confirmation email from Brown Brothers, but the far more comprehensive complaint No. 3 revealed many other serious contradictions. For instance, far from demonstrating a fear of global warming and drought, Brown Brothers sold one of their Tasmanian vineyards in 2013, together with their ultra-cool Victorian vineyard at 800m elevation above the moist King Valley. Ross Brown has opined that there are varietal popularity cycles of maybe 15-years, and e.g. at the time, [X] wrote:

“With our focus on Prosecco at the moment, we're going to concentrate on our Banksdale vineyard and therefore we don't have as much need for the Pinot Noir and Chardonnay up at [ultra-cool] Whitlands," she said. "The Whitlands property was also a big property for Pinot Grigio… Now that we've pulled back from the UK market, the Pinot Grigio isn't as useful”

Then in 2016, they acquired the Innocent Bystander assets in Victoria, also for varietal marketing reasons, e.g:

“Brown Brothers [X] said Brown Brothers has been investigating growth opportunities to enhance its leadership position within the Australian wine market... … “Brown Brothers sees great synergies in the premium positioning of the Innocent Bystander brand with its focus on growth grape varieties that enhance our own category leadership position in moscato, pinot gris, pinot grigio, pinot noir and prosecco” he said.”

The ABC reply to The Australian continued with these selected lines, for which complaint No.3 provides some clarification over the puzzling two-degree claim etcetera:

MICHAEL BRISSENDEN: What you’re doing is predicated on a two degree rise. What happens if it goes beyond that?

ROSS BROWN: Well, we don’t know where to go after that. We don’t know where to go after Tasmania because where do you stop?

The ABC reply to The Australian concluded with:

Mr Newman also refers to complaints about Weather Alert by “[X]“. [X] was advised that he could pursue his complaints with the ACMA if he remained dissatisfied.

What this ABC response fails to mention is that despite that many errors of fact and serious omissions etcetera were incontrovertibly proved with authoritative sources, they declared refusal to investigate them […].

Attachment C

Broadcaster’s response and submissions

***Extract from the ABC’s response to the complainant dated 12 April 2018:***

The focus of this broadcast was the personal accounts and experiences of farmers, wine makers, fruit growers, doctors and emergency service workers on how they are adapting their practices to cope with the world’s changing weather patterns. The introduction to the report made it clear to the audience that;

Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into **their own hands**. **For them**, climate change is no longer theoretical. It's here, now. There are no politicians in tonight's story... Only people who've seen, **from their own experience**, that the change to our climate is under way.

This was not a report focused on questioning the scientific evidence on whether the climate is in fact changing and we are satisfied there was no editorial requirement, or relevant reason, within the context of this report for the program to dispute the personal accounts of the people featured or to present the information you refer to in your correspondence.

The fact that you personally dispute some of the accounts of those presented in the report is duly noted.

***Extract from the ABC’s further response to the complainant dated 13 April 2018:***

The claims in the broadcast were clearly presented as anecdotal. That was the point of the program, as I explained in my previous email. People observing and experiencing the impact of the changing climate, and the steps they were taking to adjust and alter their business practices. We are satisfied these accounts are newsworthy and suitable for examination by Four Corners.

Within that context, there was no editorial requirement, or relevant reason, to dispute the personal accounts of the people featured and the way they are personally responding to the changing climate they have experienced, or to present the information you refer to in your correspondence.

Please be assured that all of the information you have provided, and your personal interpretation of the report, has been duly noted.

***ABC submission to the ACMA dated 10 July 2018:***

[…] the focus of this program was the personal accounts and experiences of people working in different fields – including farmers, wine makers, fruit growers, doctors and emergency service workers – on how they are adapting their practices to cope with changing weather patterns. This was made clear in the introduction to the program:

*Now, faced with the intransigence of the political system, a growing number of Australians are taking matters into* ***their own hands****.* ***For them****, climate change is no longer theoretical. It's here, now. …* ***For all of them*** *… adapting to climate change has become a necessity. … There are no politicians in tonight's story... Only people who've seen,* ***from their own experience****, that the change to our climate is under way.*

The ABC’s editorial standards must be interpreted and applied with due regard for the nature of the content under consideration in particular cases. As the principles which accompany the ABC’s accuracy standards make clear:

The efforts reasonably required to ensure accuracy will depend on the circumstances. Sources with relevant expertise may be relied on more heavily than those without. Eyewitness testimony usually carries more weight than second-hand accounts.

The principles note that the ABC gauges the efforts reasonably required to ensure accuracy by reference to considerations including the type, subject and nature of the content and the likely audience expectations of it. The nature of this program was made clear in the introduction and in the approach taken throughout – reasonable viewers would understand that the program was presenting personal accounts, and would set their expectations accordingly.

**Accuracy**

1. Allegedly incorrect statement by Martin Royds:

Yes we have 130 years of rainfall and temperature graphs. Since 1985 to now, the temperatures have been increasing .8 of a degree per decade. So, in that thirty year period, it’s gone up 2.4 degrees, maximum temperature.

Mr Royds is clearly referring to data that has been collected by his family on their property over 130 years. Mr Royds specifies that he is referring to an increase in the maximum temperature recorded, not the average temperature. It is irrelevant that Mr Fernley-Jones has discerned no warming trend in BoM data recorded at a different location. The head of the BoM’s climate monitoring division was interviewed for the program and confirmed that ‘the climate of Australia has warmed’ and ‘[m]ost locations are setting heat records at a much greater rate than they used to in the past’. For the purposes of this program which explored the experiences of a number of Australians and their responses to a changing climate, it was reasonable to rely on a first-hand account of a farmer, supported by documentary evidence that had been collected over more than a century.

1. Allegedly inaccurate statement by Michael Brissenden:

All around the district the dams have been drying up … Braidwood slipped into drought once again and it’s taking a heavy toll on the farmers.

It is well established that this region has been experiencing drought conditions. See, eg:

* <http://www.abc.net.au/news/2018-01-23/farmers-in-south-east-nsw-drought-braidwood/9353044>
* <https://www.braidwoodtimes.com.au/story/5380052/drought-onset-worry/>
* <https://www.goulburnpost.com.au/story/5470161/how-you-can-help-southern-tableland-farmers-survive-the-drought-pics-video/>
* <https://www.braidwoodtimes.com.au/story/4822366/its-raining-but-were-in-drought/>
1. Allegedly inaccurate statement by Sydney newsreader:

Tonight fires break out across the state as Sydney sizzles and the mercury soars, with Penrith recording its hottest day ever at 47.3 degrees.

[The complainant] claims this is inaccurate based on a correction issued by the BoM. That correction went to whether the Penrith temperature was the hottest ever recorded in Sydney, not whether it was the hottest day ever recorded in Penrith – see tweet embedded in this article - <https://www.smh.com.au/environment/weather/sydney-off-to-a-hot-start-as-it-braces-for-heatwave-temperatures-20180107-h0ej5h.html>. There is nothing inaccurate in the newsreader’s statement.

1. Allegedly inaccurate statement by Brisbane newsreader:

Queenslanders have suffered through temperatures at least 10 degrees above average as the heatwave sets in for the weekend.

This clip was included to further demonstrate that high temperatures were being experienced across Australia. It lacked specificity, giving no indication of the date of the initial news broadcast. It was merely illustrative and the information it contains does not constitute a material fact for the purposes of this program.

1. Allegedly inaccurate statement by Michael Brissenden:

Adaptation is now a necessity for farmers all across the country…

Factual material is specific, unequivocal and capable of independent verification. This statement is not in that category: it could encompass many different concepts and meanings. It does not constitute factual content for the purposes of the ABC’s accuracy standards.

1. Allegedly misleading use of statements by Mr Royds and Mr Brown.

Mr Royds and Mr Brown spoke of their own experiences and observations, and that is how their remarks would have been understood by reasonable viewers of this program. As noted above, the program’s focus on the experiences of people in different fields of work in different parts of Australia was clearly flagged in the introduction and evident in the approach taken throughout the program.

1. Allegedly inaccurate statement by Michael Brissenden:

But that’s not all – the company has now also decided to move part of its operation to cooler country.

The program made reasonable efforts to ensure that this statement was accurate and presented in context. Relevantly, it relied upon Mr Brown’s explanation that the company had adjusted its geographical footprint in light of concerns about rising temperatures and reduced rainfall and their impact on the company’s long term viability. Mr Brown explained that, prompted by the millennial drought, his company had made a strategic decision to plan on the basis of higher temperatures and reduced access to water. He said his company was exploring different varieties in warmer locations and introducing Tasmanian grapes to provide ‘a cooling into our spectrum of climate’. There is no suggestion in the program that Brown Brothers is relocating its entire wine-making operations to Tasmania. This is clear when the program content is considered in context (emphasis added):

*ROSS BROWN, Executive Director, Brown Bros: Our records show that the temperatures are rising and that there's less rainfall.*

*And so, consequently, it does impact on our harvest and we're finding our harvests are becoming shorter and earlier.*

***Which is forcing quite a change in the way we grow and make our wines****.*

*MICHAEL BRISSENDEN: For Brown Bros the turning point was the millennial drought...*

*ROSS BROWN: That drought went on for ten years and it got hotter and drier and the availability of water started to really shock us because water availability for our vineyards, and particularly in the Murray Valley, went from something like $100 a tonne to $800 a tonne in a couple of years and that really changed the dynamics and the way we thought about our vineyards and the profitability of the industry.*

*MICHAEL BRISSENDEN: Their determination to keep the business viable led to significant change.*

*ROSS BROWN: Up to then we were probably sceptics.*

*We probably thought that we were seeing some irregularities, but when we saw those ten years of drought and the impact it was having on our business, we started to really research it and think about it very seriously and it was off the back of that our board decided that we needed to make some significant changes.*

*And we decided that we would do our planning in future on a two degrees increase in our vineyard temperatures and that we would have less water available.*

*And by* ***making a strategic decision, has really changed the way we look at our vineyards, and which grapes we grow and what location****.*

*MICHAEL BRISSENDEN: Growing cool climate varieties like sparkling whites and pinot noir has become unreliable.*

*The company has begun experimenting with new varieties.*

*ROSS BROWN: This is a wine we have championed with the CSIRO. They've had a vine breeding program, with specific determination to find a grape that takes a long time to ripen in a hot climate. But the future I think is....*

*MICHAEL BRISSENDEN: But that's not all - the company has now also decided to move part of its operation to cooler country.*

*ROSS BROWN:* ***Tasmania's a good soil and we're finding that has been a good balance to have a cooling into our spectrum of climate.***

***And we still do grow grapes on the mainland. And there's grape varieties that thrive very well in the warmer climates.***

***But it's a matter of having the right grape in the right soil in the right location****.*

*MICHAEL BRISSENDEN: What you're doing is predicated on a two degree rise. What happens if it goes beyond that?*

*ROSS BROWN: Well, we don't know where to go after that..* ***We don't know where to go after Tasmania because where do you stop?***

**Impartiality**

As was made clear in the introduction, this program deliberately avoided the politics of climate change and instead sought to explore the stories of *‘a growing number of Australians … taking matters into their own hands … In tonight's story Michael Brissenden travels through the country meeting people who are changing their practices to cope with the new weather patterns’.*

The program included a diversity of perspectives, speaking to farmers, wine makers, fruit growers, doctors and emergency service workers as well as professionals working in corporate roles. It contributed to the wide range of perspectives the ABC has presented on climate change over an extended period of time.

The term ‘*intransigence’* was used specifically in reference to *‘the political system’,* not any particular political party or school of thought. It indicated that the different views on this issue at the political level had not been reconciled and no compromise solution had been struck. This statement was duly impartial and did not unduly favour one perspective over another.

Attachment D

ACMA considerations for determining factual content:

* In practice, distinguishing between factual material and other material, such as opinion, can be a matter of fine judgement.
* The ACMA will have regard to all contextual indications (including subject, language, tenor and tone and inferences that may be drawn) in making its assessment.
* The ACMA will first look to the natural and ordinary meaning of the language used.
* Factual material will usually be specific, unequivocal and capable of independent verification.
* The use of language such as ‘it seems to me’ or ‘we consider/think/believe’ will tend to indicate that the content is contestable and presented as an expression of opinion or personal judgement. However, a common sense judgement is required and the form of words introducing the relevant content is not conclusive.
* Statements in the nature of predictions as to future events will rarely be characterised as factual material.
* Statements containing argumentative and exaggerated language or hyperbole will usually indicate a subjective opinion and will rarely be characterised as factual material.
* The identity of the person making a statement (whether as interviewer or interviewee) will often be relevant but not determinative of whether a statement is factual material.
* Where it is clear in the broadcast that an interviewee’s account is subjective and contestable, and it is not endorsed or corroborated, their allegations will not be considered as factual assertions.
* Where an interviewee’s stance is separately asserted or reinforced by the reporter or presenter, or proof of an allegation is offered so that it becomes the foundation on which a program or a critical element of the program is built, it may be considered a factual assertion.[[15]](#footnote-15)
* Sources with expertise may be relied on more heavily than those without, in determining whether material is factual, but this will depend on:
	+ whether the statements are merely corroborative of ‘lay’ accounts given by other interviewees
	+ the qualifications of the expert
	+ whether their statements are described as opinion
	+ whether their statements concern past or future events[[16]](#footnote-16)
	+ whether they are simply comments made on another person’s account of events or a separate assertion about matters within their expertise.
1. <http://www.abc.net.au/tv/programs/four-corners/>, accessed 26 June 2018. [↑](#footnote-ref-1)
2. <http://www.abc.net.au/4corners/weather-alert/9511070>, accessed 26 June 2018. [↑](#footnote-ref-2)
3. *Amalgamated Television Services Pty Limited v Marsden* (1998) 43 NSWLR 158 at pp 164–167. [↑](#footnote-ref-3)
4. <https://www.braidwoodtimes.com.au/story/4822366/its-raining-but-were-in-drought/>, accessed 11 July 2018. [↑](#footnote-ref-4)
5. <http://www.abc.net.au/news/2018-01-23/farmers-in-south-east-nsw-drought-braidwood/9353044>, accessed 11 July 2018. [↑](#footnote-ref-5)
6. <https://www.dpi.nsw.gov.au/climate-and-emergencies/droughthub/information-and-resources/seasonal-conditions/ssu/february-2018>, accessed 4 July 2018. [↑](#footnote-ref-6)
7. <http://www.bom.gov.au/climate/glossary/drought.shtml>, accessed 3 July 2018. [↑](#footnote-ref-7)
8. <http://www.bom.gov.au/climate/averages/tables/cw_067113_All.shtml>, accessed 4 July 2018. [↑](#footnote-ref-8)
9. <https://twitter.com/BOM_NSW?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed&ref_url=https%3A%2F%2Fwww.smh.com.au%2Fenvironment%2Fweather%2Fsydney-off-to-a-hot-start-as-it-braces-for-heatwave-temperatures-20180107-h0ej5h.html>, accessed 11 July 2018. [↑](#footnote-ref-9)
10. <https://www.brisbanetimes.com.au/national/queensland/queensland-breaks-weather-records-during-week-long-heatwave-20180215-p4z0i7.html>, accessed 13 July 2018 [↑](#footnote-ref-10)
11. See daily weather observations and climate statistics for each location at [www.bom.gov.au](http://www.bom.gov.au), accessed 29 August 2018. [↑](#footnote-ref-11)
12. See <https://www.smh.com.au/business/climate-drives-big-wine-deal-20100816-1272s.html>, accessed 29 August 2018. [↑](#footnote-ref-12)
13. See <http://www.abc.net.au/news/2016-06-05/rising-temperatures-spark-winemakers-move-to-tasmania/7371262>, accessed 29 August 2018. [↑](#footnote-ref-13)
14. See <https://www.theage.com.au/national/victoria/melbourne-weather-warnings-as-42degree-scorcher-to-be-hottest-day-in-two-years-20180119-h0kr2d.html>, accessed 29 August 2018. [↑](#footnote-ref-14)
15. See Investigation 2712 (*Today Tonight* broadcast on Seven on 25 July 2011); Channel Seven Adelaide Pty Limited v Australian Communications and Media Authority [2014] *FCA* 667. [↑](#footnote-ref-15)
16. See Investigation 3066 (*Four Corners* broadcast on ABC on 23 July 2012) and Investigation 2961 (*The Alan Jones Breakfast Show* broadcast on 2GB on 19 October 2012). [↑](#footnote-ref-16)