Investigation report no. BI-396

|  |  |
| --- | --- |
| **Broadcaster** | Australian Broadcasting Corporation |
| **Station** | ABC News |
| **Type of service** | National broadcasting—television |
| **Name of program** | *ABC Evening News* |
| **Date of broadcast** | 15 March 2018 |
| **Relevant code** | ABC Code of Practice 2011 (revised in 2016) |
| **Date finalised** | 24 May 2018 |
| **Decision** | No breach of Standard 4.1 [due impartiality] |

Background

In April 2018, the Australian Communications and Media Authority (the ACMA) commenced an investigation under the *Broadcasting Services Act 1992* (the BSA) into a report on the *ABC Evening News* (the program).

The report was broadcast on ABC News by the Australian Broadcasting Corporation (the ABC) on 15 March 2018 at approximately 8.30 pm.

The ACMA received a complaint alleging the report, about the South Australian state election (SA election), lacked impartiality, with reference to an opening statement ‘Labor is on the nose after 16 years in government’.

The ACMA has investigated the ABC’s compliance with Standard 4.1 of the ABC Code of Practice 2011 (revised in 2016) (the Code).

Although the complainant also referred to Standard 2 [accuracy] in his complaint to the ACMA, the ACMA has not investigated this aspect of the complaint, as accuracy had not been raised with the ABC, and the matters referred to could be adequately addressed under Standard 4 [impartiality].

The program

*ABC Evening News* is a news program, broadcast week nights between 8.00 pm and 9.00 pm, which is described in the following way:

Live across Australia … the most detailed coverage of the day's events, exploring the issues that matter across the states and regions around Australia. Plus exclusive investigations and analysis.[[1]](#footnote-1)

The relevant report concerned the upcoming SA election, scheduled for 17 March 2018, two days after the broadcast. The report was approximately eight minutes long, and was introduced by a news presenter from the studio.

The theme of the report was the SA election outcome being ‘too close to call’, with brief coverage of the leading candidates and their respective campaigns, with a focus on the Mount Gambier electorate and views of its constituents.

A transcript of the report is 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.[[2]](#footnote-2)

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 of which are at **Attachment B**) and submissions from the broadcaster (extracts of which are at **Attachment C**). Other sources are identified in this report where relevant.

Issue: Impartiality

Relevant Code provision

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

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

In the case of impartiality, the relevant Principles are as follows:

**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 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 assessed the statement complained about, in the context of the news report as a whole, having regard to the terms of Standard 4.1, and in particular the ABC’s hallmarks for impartiality:

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

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 impartially. The hallmarks also assist news, current affairs and factual content producers to make considered editorial judgements about the nature of the content and the context in which it appears.

The relevant Standard requires the ABC to ‘gather and present news and information with due impartiality’. Inclusion of the word ‘due’ indicates an element of flexibility depending on the particular circumstances.

Achieving impartiality requires a broadcaster to present content in a way which avoids conveying prejudgement or giving effect to any preferences of the presenter or reporter.

Impartiality does not require that every perspective receives equal time, nor that every facet of every issue is presented. Whether a breach of Standard 4.1 has occurred will depend 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 initial complaint to the ABC alleged bias in the report, recalling a phrase ‘the SA government is on the nose’.

The ABC responded:

[…] This statement was attributed to the former SA Government's performance, "After four terms in office, Labor has presided over high unemployment and high power prices, a state-wide blackout and an elder abuse scandal."

The ABC submitted to the ACMA:

The initial complaint to the ABC alleged that the item was ‘extremely biased’, but the only detail provided was an objection to a statement in the introduction that the Labor government was on the nose. […] The report that followed focused on candidates vying for the seat of Mount Gambier to illustrate some of the issues in this contest for power:

[…]

The introduction employed some informal language, but remained duly impartial. It provided a high level summary of the content of the report. There was no undue favouring of one perspective over another.

The context of the report was uncertainty around predicting the outcome of the SA election. Supporting the presenter’s introductory statement, that the SA election was ‘an election which is near impossible to call’, the reporter concluded the report stating, ‘[i]t’s an unusual set of circumstances, but this is no ordinary election’.

The report canvassed the political parties participating in the SA election. The focus was on the South Australian-based political party leaders and the candidates for the Mount Gambier electorate, particularly the potential impact of the independent and SA Best candidates in Mount Gambier.

The overall tone of the report was measured, with some informal language and commentary, interspersed with ‘vox pops’, and clips of campaign advertisements. A range of perspectives were presented about the parties, candidates and their campaigns and a number of views of Mount Gambier voters were also included.

The report provided background to contextualise the report, including that in the 2014 SA election, Labor had fallen short of winning an outright majority, but with the support of independents had been able to retain power. It also noted that the electoral boundaries had since changed and would ‘favour the Liberals’ for the upcoming election. It observed that the ‘obstacle’ for the Liberal Party winning was well-supported independent candidates.

The complainant’s primary concern was the use of ‘on the nose’ to describe Labor, in the presenter’s opening statement. The complainant was also concerned that commentary about Labor in the report was biased and could have been better addressed if the matters had been explored in more depth.

The full opening statement was:

**Presenter:** This week South Australians will go to the polls in an election which is near impossible to call. Labor is on the nose after 16 years in government, but a Liberal win isn’t guaranteed. That’s because independent candidates, and a party led by former Senator Nick Xenophon are wild cards.

The comment ‘Labor is on the nose’ was contextualised over the course of the report. For example:

* The reference was expanded on later in the broadcast:

**Reporter:** While the Liberals have languished in opposition since 2002, they can’t count on voter disaffection with the government. After four terms in office, Labor’s presided over high unemployment and high power prices, a state-wide blackout, and an elder-abuse scandal

But, astonishingly the party is still in the race, running a tried and true formula.

* The broadcast included footage of the then Premier, Mr Weatherill commenting on some of the issues his government had presided over, suggesting there had been errors made under the government’s ‘watch’:

**Mr Weatherill**: Sure there are things that have gone wrong, and on our watch, and I, have accounted for them, I’ve apologised for mistakes and I’ve sought to commit myself to make sure they never happen again.

* Toward the end of the report, a local resident stated:

**Resident:** At the moment, we’re just stagnating, I just hope they use their votes wisely, and it’s important that we, as a state, go forward.

In conjunction with these statements, the ACMA considers an ordinary reasonable viewer would have taken the opening statement, ‘on the nose’ to be a statement that suggested the Labor government was facing challenges in the upcoming election as a result of several controversies. These matters were on the public record at the time of the broadcast, and were balanced by other material including:

* reporter statements suggesting Labor was ‘still in the running’, including acknowledging that Labor had a ‘tried and true formula’
* interview footage of Mr Weatherill referring to the controversies and committing to making sure they ‘never happen again’
* footage of Mr Weatherill interacting positively with school children and being cheered by crowds.

Within this context, the ACMA considers, an ordinary reasonable viewer would likely have taken the report to include a balanced mix of favourable and negative observations about Labor.

The report did not focus solely on the Labor government but also provided a range of observations about the Liberal candidate, the new SA Best party and a non-aligned Independent. Examples included:

* A description of the Liberal candidate as ‘battling for a seat’ his party had been expecting to ‘easily retain’ and statements from Labor, ‘It’s common knowledge that the Liberal party here is pretty hopeless’ and ‘when have you ever seen a bad opposition make a good government’.
* Footage of the Liberal Party opposition leader speaking positively with supporters.
* Footage of an ‘anti-SA Best’ commercial derisive of Mr Xenophon and critical statements from other candidates, including the Liberal Party candidate, who stated: ‘a vote for Nick Xenophon is a vote for Labor. Don’t risk your vote with Nick Xenophon’.
* Footage of Mr Xenophon being cheered by a crowd, with a voice-over that said ‘Expectations are high after Nick Xenophon’s party won three Senate spots, and a lower house seat, at the last Federal election’.
* Allegations that the independent candidate had misappropriated more than two million dollars between 2009 and 2013, and that the court case would be held after the election, with comments from the Independent candidate refuting the allegations.
* Comments from supporters of the Independent candidate saying, ‘I think he’s done really well for Mount Gambier, and will continue to do so, I’m sure’.

Given the length of the report and its context, the report allowed opportunities for a variety of perspectives to be expressed, including those of constituents, supporters, critics, candidates and party leaders.

In the context of a report that was broadcast nationally, summarising aspects of an imminent state election, the ACMA considers the report demonstrated fair treatment and open-mindedness in its approach and was duly impartial.

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

Attachment A

Transcript of the *ABC Evening News*, broadcast on ABC News on 15 March 2018

|  |  |  |
| --- | --- | --- |
| Video | Audio | Text on screen |
| Presenter in studio | Karina Carvalho (Presenter): This week South Australians will go to the polls in an election which is near impossible to call. Labor is on the nose after 16 years in government, but a Liberal win isn’t guaranteed. That’s because independent candidates, and a party led by former Senator Nick Xenophon are wild cards. 7.30’s Angelique Donnellan reports. | Back screen behind presenter:  SA Votes  *Banner:*  The top stories on ABC News: *[news updates]* |
| Shots of several pairs of people walking and talking through a park  One pair of walkers passes another and they exchange greetings  The footage then follows one pair as they walk on in their own direction | [Background music – upbeat]  Pair one: [Walking past pair two]: Good morning!  Other pair: [indecipherable general greetings]  Person one: Who’s going to win the election?  Person two: When is the actual election?  Person three: March 17th. Is that right?  Person two: Something like that…yeah | Banner:  SA Votes: South Australian voters to head to the polls in two days  *[news updates underneath the banner]* |
| Footage of people walking and exercising their dogs next to bushland/a lake  Footage of the lake from the air | Angelique Donnellan (Reporter): [voiceover] It’s hard to be blue when your morning walk takes in Mount Gambier’s breathtaking blue lake. |
| Footage of people jogging in a park | [upbeat music]  Reporter: Unless the topic is South Australian politics. |
| Footage of a person in the street near a bus stop | Mount Gambier resident 1: I’m sick and tired of politicians to tell you the truth. |
| Footage of a person near bushland | Mount Gambier resident 2: I think they’re all pigs in big trough and I’m not really caring, I don’t like State Government anyway. |
| Visuals of the lake from a hill, followed by footage from the air | Reporter: [voiceover] The lake is a dormant volcano. It hasn’t erupted for thousands of years. |
| Side by side shots of Nick Xenophon, Steve Marshall and Jay Weatherill, each walking up stairs | Reporter: [voiceover] But this state election, is about to.  [Music changes to more intense classical] |
| Nick Xenophon speaking in press conference footage | Nick Xenophon (NX), SA Best candidate for Hartley: For far too long, South Australian politics has been a triumph of low expectations. |
| Jay Weatherill speaking in press conference footage | Jay Weatherill (JW), SA Premier, SA Labor: When have you ever seen a bad opposition make a good government? |
| Footage of a crowd listening to Steve Marshall speaking, followed by Steve Marshall press conference footage | Steve Marshall (SM), Opposition Leader, SA Liberal Party: This is a great state. But it has been let down by a tired and dysfunctional government. |
| Footage of trees, including logging trucks and felled trees | Reporter: [voiceover] In a region dominated by agricultural industries, Mount Gambier should be a blue ribbon conservative electorate. |
| Campaign posters next to a freeway, followed by a closer view of campaign posters, including those of Kate Amoroso and Troy Bell | Reporter: [voiceover] The fact that it’s not, sums up an election too close to call.  *[Light classical music: Four Seasons]* |
| Troy Bell walking into a courtyard and approaching a woman. They have a brief conversation | Troy Bell (TB), Independent Member for Mount Gambier: Hello Marie, how are you?  Marie: [shaking hands] Hello Troy, haven’t seen you for a while. Yeah…how’s the campaign going?  TB: Very well, I think, ah… |
| Reporter: [cutting in as voiceover] Troy Bell was the Liberal MP for Mount Gambier, but after being charged with fraud last August, he’s running as an independent. |
| Troy Bell in conversation with constituent [Marie] | TB: [talking off screen to Marie]…and doing everything I can. |
| Troy Bell, speaking to camera in interview | TB: I’ll be pleading ‘not-guilty’, I categorically deny all charges. |
| Troy Bell, walking around café and speaking to people | Reporter: [voiceover] He’s accused of misappropriating more than two million dollars between 2009 and 2013 while running a government funded learning centre. The case will be heard after the election.  TB: *[to person in café]* Happy Birthday Tanya… |
| Troy Bell, speaking to people in the café  Footage of Troy Bell speaking to camera in interview | TB: [voiceover] In Australia, we have this system that ah, you are innocent until proven guilty. The mud has been thrown…I look forward to clearing my name. | Banner:  Troy Bell  SA Independent MP  SA Votes: South Australian voters to head to the polls in two days |
| Footage in café of various people greeting Troy Bell | Reporter: A recent poll suggests he will hold the seat as an independent. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Person talking to camera from inside the café | Person in cafe: [vox pop] I think he’s done a great job, no matter what’s been going on in his own life. I think he’s done really well for Mount Gambier, and will continue to do so, I’m sure. |
| Footage of Craig Marsh walking into an office and putting a document down  Brief focus on the documents then back to Craig Marsh | Craig Marsh (CM), Liberal Candidate for Mount Gambier: Afternoon Diana  Reporter: [voiceover] The Liberal candidate, Craig Marsh, is now battling for a seat. His party had been expecting to easily retain |
| Craig Marsh in office, taking a file from someone | CM: [off screen to another person while looking at paperwork] Alright, I’ll make some calls then. Thanks. |
| Craig Marsh speaking to camera in interview | CM: [to camera] No I don’t feel unlucky, I feel very lucky that I actually got this opportunity. |
| Craig Marsh making a phone call | Reporter: [voiceover] While the Liberals have languished in opposition since 2002, they can’t count on voter disaffection with the government. |
| Montage of: footage of Jay Weatherill addressing reporters; power lines; an emergency services worker in the rain; footage outside of a building; and close up of Jay Weatherill’s face listening to another speaker | [Background music: sombre]  Reporter: [voiceover] After four terms in office, Labor’s presided over high unemployment and high power prices, a state-wide blackout, and an elder-abuse scandal. |
| Footage of Jay Weatherill in a primary school classroom | Reporter: [voiceover] But, astonishingly the party is still in the race, running a tried and true formula. |
| Jay Weatherill, speaking to camera, in interview | JW: [to screen] Sure there are things that have gone wrong, and on our watch, and I ah, have accounted for them, I’ve apologised for mistakes and I’m sought to commit myself to make sure they never happen again. | Banner:  Jay Weatherill: SA Premier |
| Footage of people cheering as JW walks on stage after a previous election victory | Reporter: [voiceover] At the 2014 state election, Labor fell short of outright majority, but outmanoeuvred the Liberal government with the support of independents. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Footage of Jay Weatherill in a crowd of supporters | JW: [to screen] It’s common knowledge that the Liberal party here is pretty hopeless. |
| Steve Marshall, sitting in a café, speaking to camera | SM: [to screen] In the past we’ve had some shocking electoral boundaries, at the last election we had 53% of the vote and we couldn’t form government with that. | Banner:  Steven Marshall - SA Opposition Leader |
| Footage of 5 people in ‘Marshall’s Blue Army’ shirts sitting in a café talking amongst themselves, and with Steve Marshall | Reporter: [voiceover] This time, the electoral boundaries do favour the Liberals, but there’s another obstacle in the way of their long awaited return to office. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Clip of an ad from Nick Xenophon’s campaign ‘SA Best’ | | |
| Clip from Nick Xenophon still playing while voiceover occurring. Some parts of the advertisement audio are intercepted with the reporter’s voiceover | Reporter: [voiceover] Former Senator Nick Xenophon is hoping to capitalise on voter dissatisfaction with both major parties. He has 36 candidates running under his ‘SA Best’ banner [clip finishes with image of NX and ‘vote 1 Nick Xenophon SA Best’. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Nick Xenophon interview set within a dentist office | NX [to camera/interview]: It’s a government that deserves to lose and an opposition that does not deserve to win. |
| Footage of NX addressing a crowd off screen. Footage of cheering supporters waving pom poms | NX: This has been, pretty amazing, we’ve actually…  Reporter: [voiceover] …Expectations are high after Nick Xenophon’s party won three senate spots, and a lower house seat, at the last Federal election. |
| Montage of NX supporters and him getting photos taken in a park | Reporter: [voiceover] He quit Canberra last year to contest this state election. |
| Nick Xenophon in a dentist’s room | NX: [talking in a dentist’s room]: Without a doubt, this is the biggest political scandal of my life, there’s some irony in that given my stand on gambling. | Banner:  Nick Xenophon  SA Best Leader |
| Footage of Malcolm Turnbull and candidate walking past wine barrels | Reporter: [voiceover] The Liberals hold 19 seats, they need to win five more to form government in their own right. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Footage of NX and supporters chatting  Footage of NX holding a giant ‘band-aid’ with some of his supporters | Reporter: [voiceover] SA Best is trying to frustrate those plans by winning the balance of power. |
| Steve Marshall in café, speaking to camera | SM: [to camera] We’ve said to the people of South Australia that a vote for Nick Xenophon is a vote for Labor. Don’t risk your vote with Nick Xenophon… |
| Nick Xenophon at the dentists | Reporter: [Questioning NX in the dentist office] …In the event of a hung parliament, who will you support?  NX: Well it’s too early to say. |
| Footage of dentist performing a treatment for NX, some light background talk from dentist. | Reporter: [voiceover] Announcing one of his party’s health policies, the perennial stuntman was up to his usual tricks But in the final days of the campaign, reality is starting to bite. |
| Footage of NX getting teeth inspected at the dentist | NX: [to the dentist]: The tooth hurts doesn’t it?  Dentist: [off screen] The tooth hurts. |
| Footage from an anti-‘SA Best’ commercial | Reporter: [voiceover while ad footage is playing] The major parties unions, and industry groups have been spending up big, to knock SA Best out of contention. |
| More footage plus audio from the anti-‘SA Best’ commercial | | |
| NX in the dentist room, to camera | NX: It’s been unprecedented, the Hotels Association, the Pokies lobby, is spending upward of 2 million dollars in this campaign. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Footage of NX in red campaign car driving down the street with music playing, NX waving. | [Elvis music being played from red car]  Reporter: [voiceover] The latest polls show Nick Xenophon’s party has lost ground, and he may not win Hartley, the seat he’s contesting.  NX: [to camera] It’s tough, I am trying to defy political gravity. |
| Nick Xenophon being interviewed sitting in the dentist’s office. | Reporter: What’s your plan B?  NX: Well I’m going to give it my absolute best. |
| Footage of campaign songs and posters  Footage of Nick Xenophon in the dentist room talking to camera | NX: [voiceover]…to win Hartley…if Labor, the Liberals, the Pokies Barons, and a whole range of other vested interest groups, think they are going to get rid of me so easily, they’re sadly mistaken. |
| Excerpt from election campaign advertisement, ‘SA Best’. Nick Xenophon pretends to run on the spot, with vision of Pamplona, Spain behind him | | |
| Excerpt from election campaign advertisement, SA Best | NX: [advertisement]...like the... Liberal... unions.... and pokies operators are all trying to in me down with a lot of bull, but I'm fighting the bulls so you don't get taken for a ride. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Kate Amoroso in a park with her children. She raises her baby’s fist in the air | Kate Amoroso (KW), SA Best Candidate: SA Best! | Banner:  Kate Amoroso – SA Best Candidate |
| Footage of KA with her children, speaking to her baby, singing the SA Best jingle | Reporter: [voiceover] Nick Xenophon’s hopes rest with candidates like Kate Amoroso, who’s running in Mount Gambier. The drug ice has taken a huge toll on her home town, she knows that first hand, as a former addict. | Banner:  SA Votes: South Australian voters to head to the polls in two days |
| Kate Amoroso speaking to camera in the park | KA: [talking to camera] I had lots of overdoses ‘cause it was, you know, I was very suicidal for a long time over many years, but I think I got to that point where I’d, I’d had enough actually. |
| Kate Amoroso jogging with another person and supervising him doing exercises | Reporter [voiceover]: SA Best sees her background as an advantage. Its policy is to force addicts into mandatory rehab. |
| Kate Amoroso supervising man doing exercises  Kate Amoroso speaking to camera in the park | KA: [off-camera voiceover] Nick believes in second chances, and Nick believes in, you know, um, real change.  [to camera in interview] Mental health and substance abuse is by far, you know, for me, something, whether I am elected or not, this is something that I will be pursuing. |
| Footage of KA at a meeting table with other candidates | Reporter [voiceover]: But she’s up against the popular local member Troy Bell, who sees himself as a potential king-maker. |
| Troy Bell, talking to camera | TB: [to camera] if it’s a hung parliament, ah, I will be siding with the Liberals, unless they don’t come to the party and provide some of the policy positions that I’ve fought for. |
| Footage of a hairdresser doing someone’s hair | Hairdresser: [speaking to the reporter who is onscreen] There’s been a lot of discussion about it, and as Troy’s been quite a great member for Mount Gambier, I think, the majority is saying ‘you’re innocent until proven guilty’. |
| Footage of a hairdresser doing someone’s hair | Reporter: [voiceover] It’s an unusual set of circumstances, but this is no ordinary election. |
| Hairdresser talking to camera while dressing hair  Footage of Nick Xenophon and other candidates on stage putting on colourful hats | Hairdresser: [as dressing hair] At the moment, we’re just stagnating, I just hope they use their votes wisely, and it’s important that we, as a state, go forward. |
| Presenter in studio talking to camera | Presenter: [to camera] Angelique Donnellan reporting. |

Attachment B

Complaint

***Extracts of complaint to the ABC dated 15 March 2018:***

Your abc news 24 at 2030 hrs was extremely biased tonight.

Karina Carvello opened the segment on the SA election with the words "the SA Government is on the nose".

Who wrote this extremely biased article?

[…]

***Extracts of complaint to the ACMA dated 29 March 2018:***

ABC Code of Practice 2011 Rev 2016

Under Sections:

2.1 Making sure facts are accurate and presented that way. (Was the SA govt on the nose?)

2.2 Not present material that will mislead. (How did Abc determine SA govt was on the nose?)

3. Breached Abc Standards of fairness.

4. Breached Abc Stanards of Impartiality.

[…]

Attachment C

Extracts of broadcaster’s response and submissions

***ABC response to the complainant dated 28 March 2018:***

[…]

Yes, you are quite right our presenter did introduce a story about the 2018 SA Election Story by saying "Labor is on the nose." The story she introduced was this 7.30 story "Nick Xenophon the wildcard in an SA election too close to call: http://www.abc.net.au/7.30/nick-xenophon-the-wildcard-in-an-sa-election-too/9553464 ". It is interesting to note, Leigh Sales said the same thing during her introduction to the same story. This statement was attributed to the former SA Government's performance, "After four terms in office, Labor has presided over high unemployment and high power prices, a state-wide blackout and an elder abuse scandal."

[…]

***ABC submission to the ACMA dated 30 April 2018:***

The ACMA requested submissions on the report’s compliance with impartiality standards.

The report was a re-broadcast of an item presented earlier that evening on 7.30. A transcript of the item is available here - <http://www.abc.net.au/7.30/nick-xenophon-the-wildcard-in-an-sa-election-too/9553464>.

The initial complaint to the ABC alleged that the item was ‘extremely biased’, but the only detail provided was an objection to a statement in the introduction that the Labor government was on the nose. The introduction in its entirety stated: ‘This week, South Australians will go to the polls in an election which is near impossible to call. Labor’s on the nose after 16 years in government, but a Liberal win is not guaranteed. That’s because independent candidates and a party led by former senator Nick Xenophon are wildcards’. The report that followed focused on candidates vying for the seat of Mount Gambier to illustrate some of the issues in this contest for power:

* After four terms in office the Labor government had ‘presided over high unemployment and high power prices, a state-wide blackout and an elder abuse scandal’, but was nonetheless still in the running and the Liberals needed to do more than rely on voter disaffection.
* Labor had fallen short of an outright majority in the previous election, but had managed to form government with support of independents.
* In the period since that election, electoral boundaries had been changed in a way that now favoured the Liberals.
* Nick Xenophon had entered the race and was trying to win the balance of power.

The introduction employed some informal language, but remained duly impartial. It provided a high level summary of the content of the report. There was no undue favouring of one perspective over another.

[…]

1. http://www.abc.net.au/tv/programs/abc-evening-news/, accessed on 9 May 2018. [↑](#footnote-ref-1)
2. *Amalgamated Television Services Pty Limited v Marsden* (1998) 43 NSWLR 158 at pp 164–167. [↑](#footnote-ref-2)