Investigation report no. BI-536

| Summary |  |
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| **Broadcaster [Service]** | Australian Broadcasting Corporation [**ABC**] |
| **Finding** | No breach of Standard 2.1 [accuracy]  No breach of Standard 2.2 [materially mislead]  No breach of Standard 4.1 [due impartiality]  No breach of Standard 4.5 [unduly favour one perspective] |
| **Relevant code** | ABC Code of Practice 2019 |
| **Program [description]** | *Four Corners* (‘Extinction Nation’)[current affairs] |
| **Date of broadcast** | 24 June 2019 |
| **Date finalised** | 16 April 2020 |
| **Type of service** | National—television |
| **Attachments** | **A** - extracts of the complaints to the ABC and to the ACMA  **B** - extracts of the ABC’s response to the complaint  **C** - relevant Code provisions and the ACMA’s approach to assessing content |

Background

In November 2019, 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*,titled‘Extinction Nation’ (the **program**).

The program was broadcast on the ABC on 24 June 2019 at 8.30 pm and discussed the adequacy of Australia’s protections for threatened and endangered species, including the Eastern Quoll, Leadbeater’s Possum, the Swift Parrot and the Eastern Curlew.

The ACMA received a complaint that the program’s examination of the Leadbeater’s Possum and the Swift Parrot contained inaccuracies, omitted important contextual information, lacked impartiality, and unduly favoured one perspective over another, in the way it portrayed the role of timber production.

The ACMA has investigated the ABC’s compliance with Standard 2 [accuracy] and Standard 4 [impartiality and diversity of perspectives] of the ABC Code of Practice 2019 (the **Code**).

Issue 1: Accuracy

**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 (relevant extracts at **Attachment C**).

Finding

The ACMA’s finding is that the ABC did not breach Standard 2.1 or Standard 2.2 of the Code.

Reasons

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

To assess compliance with Standard 2.1 of the Code, the ACMA generally 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?

The ACMA’s approach to assessing content and the considerations it uses in assessing whether or not broadcast material is factual are set out in **Attachment C**.

The ACMA has assessed the accuracy of the following statements in the program, relevant to the complaint:

1. We think that there are probably between 1000 and 3000 individuals, which is a very small population [of Leadbeater’s Possum] (**Statement 1**)
2. The situation in Australia is that a lot of this work isn’t being done by government agencies, and so if volunteers like us weren’t doing it, it just wouldn’t be done, and the animals would be going extinct. (**Statement 2**)
3. The Leadbeater’s Possum, as we know it, is a critically endangered species. It has suffered catastrophic population declines over the last 20 years. (**Statement 3**)
4. Another fire and ongoing logging would basically nail the rest of the populations. (**Statement 4**)
5. Timber harvesting, currently, without the recovery plan, is being allowed to have a significant impact on the Leadbeater’s Possum. (**Statement 5**)

*Statement 1: ‘We think that there are probably between 1000 and 3000 individuals, which is a very small population’*

The relevant segment of the program included the following statements:

[ABC REPORTER]: Just before sunset in the Central Highlands in Victoria these volunteers are looking for Leadbeater's Possums. Once thought to be extinct, the animal was rediscovered in the 1960s and declared the state's faunal emblem.

[VOLUNTEER]: We think there are probably between 1000 and 3000 animals, which is a very small population, and they are listed now federally as critically endangered. The Zoological Society of London considers them the tenth most endangered mammal in the world.

The complaint to the ABC stated:

[The volunteer] was allowed to nominate the program’s Leadbeater’s Possum population estimate despite being an unqualified layperson rather than a scientist surveying the possum. In fact, the total number of documented colonies (688) found in just the ~10% portion of its range which has been surveyed thus far, suggests an estimated population range of 2,000 – 7,500 based on 3 to 11 individuals per colony. Clearly, its population estimate will be much larger than this when the whole of its potential habitat area (~204,000 hectares) is surveyed.

**What did the particular content convey to the ordinary reasonable viewer?**

Statement 1 was made by a volunteer in the field who was conducting surveys of the Leadbeater’s Possum.

The ACMA considers the meaning conveyed to the ordinary, reasonable viewer was that there was only a very small population of Leadbeater’s Possums still remaining.

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

Statement 1 was made by a volunteer, and not a qualified scientist. It was not accompanied by any evidence or corroboration. The inclusion of ‘we think’ and ‘probably’ gave an informal, subjective tone to the statement, lending doubt to the specificity of the numbers given.

It was also somewhat unclear whether the volunteer was referring to the group’s field observations in one area (the Central Highlands in Victoria), or to the species as a whole.

During the broadcast it was pointed out that the exact numbers of possums left in the wild was contested. For example, the ABC reporter stated:

After an increase in sightings, the forestry industry applied two years ago to get the possum downgraded from critically endangered to endangered. It also cites a study that shows Leadbeater’s Possums in six areas up to 15 kilometres from their known range.

This was followed by the view of the CEO of the Australian Forest Products Association (CEO AFPA), who stated:

The great news is that there are thousands and thousands of possums. That is wonderful news. Frankly, everyone involved in this whole process I think should be celebrating that. Most people are to be honest, because the forest industry cares deeply about threatened species.

In the context of the program as a whole, the ordinary reasonable viewer would have taken the ‘total number’ of possums left in the wild to be a contentious subject, and the number given by the volunteer to be his opinion, based on the volunteer group’s work. The ACMA therefore considers the statement was not factual material for the purposes of assessment under Standard 2.1 of the Code.

Accordingly, in broadcasting Statement 1, the ABC did not breach Standard 2.1 of the Code.

Statement 2: ‘The situation in Australia is that a lot of this work isn’t being done by government agencies, and so if volunteers like us weren’t doing it, it just wouldn’t be done, and the animals would be going extinct’

With respect to Statement 2, the relevant segment of the program included the following statements:

[ABC REPORTER]: [The volunteer] from Friends of Leadbeater's Possum is trying to get more protection for the animal.

[VOLUNTEER]: The situation in Australia is that a lot of this work isn’t being done by government agencies, and so if volunteers like us weren’t doing it, it just wouldn’t be done, and the animals would be going extinct.

[PROFESSOR BW]: Leadbeater's Possum as we know is a critically endangered species. It's suffered catastrophic population declines over the last 20 years. They're well documented. It's probably one of our best documented species.

The complainant was of the view that the phrase ‘this work’ in Statement 2 meant population monitoring, and that contrary to the volunteer’s statement, Victorian Government scientists had detected ‘most of the 535 new Leadbeater’s Possum colonies found since 2014’.

**What did the particular content convey to the ordinary reasonable viewer?**

Statement 2 followed commentary that questioned whether the Australian Government was spending enough money on species protection. It was accompanied by footage of volunteers from ‘Friends of Leadbeater’s Possum’, who were out in the field surveying the possums.

The ACMA considers, in this context, the meaning conveyed to the ordinary reasonable viewer was that:

* In Australia, a lot of the work being done to protect Leadbeater’s Possum was being done by volunteers and not by government agencies.
* The Leadbeater’s Possum would become extinct if not for the work being done by volunteers.

**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 program as a whole included multiple viewpoints on the adequacy of existing protections for threatened species, including Leadbeater’s Possum. These included the views of scientists, politicians, the timber industry and volunteers. This conveyed the contentious nature of the subject.

Statement 2 was made in this context and was further contextualised by: the speaker’s role (described as a volunteer with ‘Friends of Leadbeater’s Possum’); footage of the group in the field actively surveying the possums (demonstrating his personal commitment to their survival); and other information about the volunteer group’s efforts to protect Leadbeater’s Possum.

The first assertion was described in general terms (‘this work’). It was not corroborated or qualified by the ABC reporter, and no specifics were given that would enable independent verification by the viewer. This introduced subjective elements to the assertion, indicative of opinion rather than fact.

The second assertion was, as stated, made by a volunteer. The reference to the possums becoming extinct without the work of volunteers (expressed colloquially as ‘going extinct’) lent a subjective tone to the statement about the importance of the group’s work, in the context of what he saw as inadequate government action to save the possum. The assertion was not accompanied by any detail, evidence or qualifications to support this conjecture. Further, general statements in the nature of predictions of future events are rarely characterised as factual material for the purposes of the Code.

Statement 2 was not factual material.

Accordingly, in broadcasting Statement 2, the ABC did not breach Standard 2.1 of the Code.

*Statement 3: ‘The Leadbeater’s Possum, as we know it, is a critically endangered species. It has suffered catastrophic population declines over the last 20 years.’*

Statement 3 was made by a Professor of Conservation Ecology (Professor BW) as part of the following comment:

The Leadbeater’s Possum, as we know it, is a critically endangered species. It has suffered catastrophic population declines over the last 20 years. They're well documented. It's probably one of our best documented species.

The complainant asserted that Statement 3 was based on [The University] research but that:

… there were different scientific interpretations about the conservation status of Leadbeater’s Possum. This included a strong contention that the original research conducted by [The University] had been overtaken by the more recent work of Victorian Government scientists since 2014, which had found the possum to be far more numerous, resilient, and widespread, including in habitat types where it had never before been known.[…].

For the program not to inform its audience that there were other scientific interpretations of the conservation status of Leadbeater’s Possum created a bias towards an [The University] narrative.

The ABC responded to the complainant by referring to conservation advice[[1]](#footnote-2) developed to assist in the recovery of species listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act):

This quote is very clearly referring to the decline of the species, which scientists canvassed by Four Corners say, is something that can only be measured over time. The conservation advice approved by the Federal Environment Minister relies on [The University] science. It clearly states ’[The University] research group have been monitoring possums directly since 1997 at 163 long term field sites‘; and ’This is the only longitudinal dataset of appropriate scale for this assessment’.

Analysis of the long term [The University] monitoring data shows a decline in Leadbeater’s Possum across all [The University] sites of over 50 percent. […]

The program made reasonable efforts to confirm that [The University] science is the only long-term data study for the decline of the possum, and does not agree that the Victorian government data has ’over taken‘ [The University] science, in terms of monitoring population decline. The Victorian government data covers only a 3-year period, and the methodology changed during the research, whereas [The University] science is over approximately 30 years. The Conservation Advice, which was approved by the Minister, explicitly states when it comes to population decline [The University] science is the only data set they can consider.

**What did the particular content convey to the ordinary reasonable viewer?**

Statement 3 was made early in the discussion about the Leadbeater’s Possum. As noted above in the discussion of Statement 1, it followed an earlier discussion about whether there was adequate funding for species protection in Australia.

The ACMA considers the meaning conveyed to the ordinary, reasonable viewer was that the Leadbeater’s Possum had:

* been classified as ‘critically endangered’
* experienced significant population decline in the past 20 years.

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

The assertion that the Leadbeater’s Possum was ‘critically endangered’ was made by a qualified expert in the field (Professor BW). ‘Critically endangered’ is a formal species status[[2]](#footnote-3) under the EPBC Act and is specific, unequivocal and verifiable. The assertion was presented as a matter of fact.

The assertion that there had been a significant decline in species numbers in the past 20 years was stated conclusively. In some contexts, ‘catastrophic’ may be a subjective and emotive term. Considering all relevant contextual factors in this instance, the viewer would likely have taken the reference to a ‘catastrophic’ decline to be a factual assertion, albeit somewhat imprecise, about the species numbers decreasing by such an extent that the survival of the species was threatened.

Both assertions in Statement 3 were factual material for the purposes of 2.1 the Code.

**Did it convey a material fact or facts in the context of the relevant segment?**

Statement 3 conveyed to the viewer that the risk of extinction of the Leadbeater’s Possum was very high, and that in the past 20 years the population of the possums had significantly declined.

The assertions contributed to the proposition that the species was not being adequately protected and was at significant risk. It formed part of a wider examination of the adequacy of Australia’s protection of threatened species.

In this context, the two assertions in Statement 3 were material facts.

**Were those facts accurate?**

Assertion that Leadbeater’s Possum was critically endangered

Under the EPBC Act, the Leadbeater’s Possum has an official status of ‘Critically Endangered’.[[3]](#footnote-4) Therefore, the ACMA considers the first assertion in Statement 3 was accurate.

Assertion that Leadbeater’s Possum had experienced a catastrophic population decline

Regarding the second assertion about the decline in numbers, the Australian Government’s *Conservation Advice for Leadbeater’s Possum* classifies it under the ‘Population sizereduction’ criterion as ‘very severe reduction’.[[4]](#footnote-5)

The complainant contended that the long-term [The University] study had ‘been overtaken by the more recent work of Victorian Government scientists since 2014’.

The ACMA notes that the Victorian Government research was available and cited in the relevant June 2019 Conservation Advice[[5]](#footnote-6), indicating the Australian Government retained the ‘critically endangered’ classification for the possum, noting a ‘very severe’ population decline, with consideration of this additional research.

It was the complainant’s contention that in addition to being inaccurate, the statement about population decline should have included contextualising information about results obtained from survey methods other than the 20-year [The University] study.

Standard 2.1 requires that the ABC make ‘reasonable efforts’ to ensure material facts are accurate and that factual material is presented ‘in context’.

*Reasonable efforts*

The ACMA considers it was reasonable for the ABC to rely on Australian Government information as a basis for suggesting a significant population decline.

*Context*

Statement 3 was made as part of a comment at the beginning of an exchange about sightings of Leadbeater’s Possum:

[ABC REPORTER]: The volunteers try to spot the animals as they pop out of their nests. They're only a hand-span long and have a distinguishing black stripe down their back.

They're so endangered, since 2014 every verified sighting triggers a 200-meter buffer zone protecting the area from logging.

[VOLUNTEER]: We've just observed two Leadbeater’s Possums coming out of the nest crack.

[ABC REPORTER]: So, it is rare to see them like that?

[VOLUNTEER]: Yes, it is rare to see them at all, but to have one like that posing for us was a gift...just wonderful.

[ABC REPORTER]: Since the buffer rule came in there have been more than 500 new sightings of the possums.

The increased sightings were clearly identified as having occurred since 2014. The ordinary reasonable viewer would have understood that this appeared to be at odds with Professor BW’s comment in Statement 3 that the population had suffered ‘catastrophic’ decline in 20 years.

However, the ACMA considers that other statements included in the broadcast provided appropriate contextualising information for the viewer:

* Immediately following the statement about increased sightings, [Professor L] ([The University]) provided the following information:

The bottom line is that there's been a huge amount of extra effort to find animals. That's wonderful, but it doesn't tell you what the decline is. That doesn't tell you the trend. So, when you go back to sites year after year, after year we can see that there's been a 50% decline in the number of occupied sites in the last 20 years. So, the population trajectory for Leadbeater's Possum is clear. It's significantly downwards.

* The ACMA notes the following statement, from [Professor W] (Conservation Biologist) was included in the broadcast:

With that species, that there are more individuals turning up at the moment, and that's largely because the census techniques are being increasingly better than they used to be, and we know that far more people are searching for them in the forest as well. So that, yes, we're certainly detecting many more Leadbeater's Possums than we were 10 or 20 years ago, but that doesn't alter the fact by any means, of the rate or decline, of population decline of that species.

The ACMA considers the provision of information about increased sightings and different ‘census techniques’, together with the Professor’s comments about the interpretation of survey data, provided appropriate context to Statement 3.

The ACMA is satisfied the second assertion in Statement 3—that the Leadbeater’s Possum had experienced significant population decline in the past 20 years—was accurate and presented in context.

Accordingly, in broadcasting Statement 3, the ABC did not breach Standard 2.1 of the Code.

Statement 4: ‘Another fire and ongoing logging would basically nail the rest of the populations’

Professor L made Statement 4 during the following exchange with the ABC reporter:

[PROFESSOR L]: We're seeing record low levels of old-growth forest. We're seeing increases in the number of fires. We've seen very little change in the level of pressure on the forest. In fact, it's significantly greater than it's ever been.

[ABC REPORTER]: A vast swathe of prime Leadbeater's habitat was burned in the Black Saturday bushfires in 2009. The area where they live is also a key source of timber for the state's forestry industry.

[PROFESSOR L]: Another fire and ongoing logging would basically nail the rest of the populations. The remaining parts of the landscape are essentially the small scrappy bits with very few large old trees left within them. And essentially, you'll see rapid degradation of the remaining habitat, which is exactly what we've seen.

The complainant stated:

This statement is false. While fires are certainly the major threat to wildlife populations, the presence of a timber industry operating in a minor portion of the forest plays a major role in reducing the wider fire threat through maintaining the access road network and providing expertise, equipment, and manpower that makes a substantial contribution to fire-fighting.

The ABC responded:

We are satisfied the sentence you identify clearly states the pressure being referred to is not solely from logging, but explicitly refers to the threat of fire, with specific reference to the catastrophic Black Saturday event, and there was nothing materially misleading about this aspect of the report.

[…]

The program has noted Professor L’s 35 years of research in this field, including his work that demonstrates the fragmentation of the forest landscape, and corroborated it against the expert conservation advice approved by the Federal Environment Minister, which considers the Leadbeater’s Possum critically endangered because of the potential future loss of habitat due to threats including fire and logging.

**What did the particular content convey to the ordinary reasonable viewer?**

Statement 4 was made in the context of a discussion about the long-term viability of the Leadbeater’s Possum. It was made by an expert ecologist who the viewer was informed had ‘studied these forests and the Leadbeater’s Possum for more than three decades’.

The ACMA considers the meaning conveyed to the ordinary, reasonable viewer was that another major fire and ongoing timber harvesting would result in the extinction of the Leadbeater’s Possum.

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

Statement 4 was made by an expert in the field, and sources with expertise may generally be relied on more heavily than those without, in determining whether material is factual.

The statement was made in the context of a discussion about established threats to the species (fire and habitat loss) and predicted that the impact of those pressures would be extreme (total loss of the populations). This prediction of dire outcomes, although delivered by an expert, foresaw a future scenario that was possible but not assured.

The statement also used language more characteristic of opinion than fact. The use of the emotive phrase ‘nail the populations’ together with imprecise language such as ‘basically’, added a subjective and informal tone to the statement.

For these reasons, the ACMA considers that Statement 4 was not characteristic of factual material, but opinion.

Accordingly, in broadcasting Statement 4, the ABC did not breach Standard 2.1 of the Code.

Statement 5: ‘Timber harvesting, currently, without the recovery plan, is being allowed to have a significant impact on the Leadbeater’s Possum‘.

Statement 5 was made by Professor W during the following exchange with the ABC reporter about the effects of a proposed recovery plan for Leadbeater’s Possum:

[ABC REPORTER]: Biologist [Professor W] helped draft a federal government recovery plan to save the Leadbeater's Possum in 2016, but it's never been finalised and implemented. Today the federal environment minister announced the possum’s critically endangered status will be retained.

[PROFESSOR W]: Should the recovery plan be implemented and approved, then it's unlikely that that 200-meter buffer would be maintained. It would be most likely to be increased. Timber harvesting, currently, without the recovery plan, is being allowed to have a significant impact on the Leadbeater's Possum. I suspect the recovery plan, once implemented, would reduce the impact of timber harvesting on that species.

The complainant stated:

This was allowed to go on the program unchallenged, despite the ABC’s researchers having been told that most of the forest is not being used for timber harvesting. Further to this, pre-harvest surveys ensure that the planned harvest area is not occupied by Leadbeater’s Possum, because wherever it is found it is protected in a 200-metre radius exclusion zone (ie. a 12.6 hectare reserve).

The ABC responded:

The ABC understands that Professor W is a respected scientist with more than four decades of experience. He contributed to the Federal Environment Department’s Leadbeater’s Possum Recovery Plan for the species, and the point he is making is corroborated by the conservation advice which states logging is a main threat to Leadbeater’s Possum.

**What did the particular content convey to the ordinary reasonable viewer?**

Statement 5 was made within the context of comments about the adequacy of current protections for the possum and if the draft recovery plan was approved and implemented, it would likely result in an increase in the buffer zones around the possum.

The ACMA considers the relevant meaning conveyed to the ordinary, reasonable viewer was that, without increased buffer zones, current timber harvesting practices were significantly impacting the species.

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

Statement 5 was made by an expert in the field (Professor W) about current protections for the possum. It was stated conclusively. The ACMA considers it was factual in character.

**Did it convey a material fact or facts in the context of the relevant segment?**

In discussing the threat of extinction to the Leadbeater’s Possum, the assertion that current timber harvesting was having a significant impact on the species, was material.

**Were those facts accurate?**

Official Australian Government conservation advice[[6]](#footnote-7) states risks to the species are, in ‘approximate order of severity of risk’:

* collapse of hollow bearing trees
* extensive wildfire
* logging
* climate change
* invasive species

As this advice acknowledges that logging is a ‘known current’ threat to the species, the ACMA is satisfied that the assertion that current timber harvesting practices were having a significant impact on the Leadbeater’s Possum was factually accurate.

Accordingly, in broadcasting Statement 5, 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.**

To assess compliance with Standard 2.2 of the Code, the ACMA generally considers:

* What did the particular content convey to the ordinary reasonable viewer?
* Was the particular content 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?

The complaint to the ABC stated the program did not mention that parts of the forested habitats used by the Leadbeater’s Possum and Swift Parrot were reserved for biodiversity conservation and not harvested. The complainant alleged that omitting information that 70 per cent of the Mountain Ash forest type preferred by the Leadbeater’s Possum was protected from timber harvesting was misleading.

The ABC responded to the complainant:

… those areas of Leadbeater’s Possum habitat that are subject to logging are considered by the expert scientists and the Minister to be a significant threat to the species. For this reason, we are satisfied there was no editorial requirement for the program to present the information you refer to. This was not a report about logging or forestry. This was a report about the extinction threat to certain native species

[…]

The fact there is forest reserved from timber harvesting used by the Possum in no way diminishes or alters the newsworthy focus of the report – that logging is considered a significant contributing factor to the critically endangered classification of the species. For that reason, we are satisfied there was no editorial requirement for the program to provide the level of detail on reserved forest you refer to, within this context.

The complaint to the ACMA stated:

In our view, it is inconceivable that, for example, the fact that most of the forest is not actually used for producing timber, could be considered to be irrelevant to a program primarily focussed on presenting timber production as the main agency of impending extinction.

**What did the particular content convey to the ordinary reasonable viewer?**

The relevant content was the information presented in the program about the particular extinction threat to the Leadbeater’s Possum and Swift Parrot posed by habitat loss.

The ACMA does not consider the ordinary reasonable viewer would have understood from this information that logging was ‘the main agency of impending extinction’ but that habitat loss caused by logging was one of the factors that threatened the survival of the Leadbeater’s Possum and Swift Parrot.

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

Information about habitat loss is specific, unequivocal and capable of independent verification. It is factual in character.

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

The question here is whether the alleged omission of information about the amount of endangered species habitat protected from logging might have materially mislead the viewer about the impacts of logging on the Leadbeater’s Possum and Swift Parrot.

The impacts of logging on the two species were presented within the context of the adequacy of existing protections for endangered species and the extinction threats faced by the species featured in the program. While logging was certainly cited as one of the threats to both the Leadbeater’s Possum and the Swift Parrot, the program also made it clear that other factors contributed to those species threatened status, including habitat loss from bushfires and predation from introduced species.

The ABC responded to the complainant:

[The] program has explained how its research confirmed the current conservation reserve system is considered by experts to be insufficient to ensure the long-term survival of the Leadbeater’s Possum, which was demonstrated in the Environment Minister’s decision to retain the *critically endangered* classification. *Four Corners* confirmed that the Threatened Species Scientific Committee recommends expanding the dedicated reserve system for the Possum.

It became evident from the program’s research that conservation reserves are also considered insufficient to ensure the long-term survival of the Swift Parrot, demonstrated by its *critically endangered* classification and the 2016 Ministerial approved conservation advice which states the *‘population viability of Swift Parrots is likely to worsen as habitat continues to be logged’*

The ACMA has stated above that it considers it was reasonable for the ABC to rely on official governmental conservation advice that identified current threats to the species. This advice clearly identified logging as a threat—despite the existence of forest reserves. The proportion of total species habitat represented by those reserves does not alter this.

Although detailed information about the proportion of forest reserved for species conservation may have provided further background for the viewer, the ACMA does not consider that its omission would have materially misled the audience’s understanding of the ongoing threat posed by habitat loss through logging.

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

Issue 2: Impartiality and diversity of perspectives

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

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

[…]

**4.5** Do not unduly favour one perspective over another.

The ACMA also takes account of the relevant Principles set out in the Code (relevant extracts at **Attachment C**).

Finding

The ACMA’s finding is that the ABC did not breach Standard 4.1 or Standard 4.5 of the Code.

Reasons

To assess compliance, the ACMA has considered the following:

* contextual factors
* the ABC’s hallmarks of impartiality

The ABC’s hallmarks of impartiality (listed in **Attachment C**) 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 the content. Following this, a program that presents a perspective that is opposed by a particular person or group is not inherently partial.

The complaint was that:

*Four Corners* substantially mislead its audience about the extinction threat posed by logging.

The complainant detailed that the lack of impartiality was demonstrated:

* in the selection of material for broadcast—by not reporting on ‘all available science’ on these matters, including the work of forest scientists, and the amount of forest reserved for conservation
* by a ‘falsely polarised narrative’ that asserted that the prevention of extinctions required ‘closing the timber industry’
* in the balance of perspectives included in the program—by weighting interviews ‘four to one in favour of a conservation science perspective’
* by biased treatment of interviewees
* through inclusion of inaccurate assertions—as a result of standards in fact-checking that were more lenient with conservationist biologists/activists.

The ABC responded to the complainant:

Given the report was about the extinction crisis of Australian native animals, we are satisfied the focus on leading scientists and conservation volunteers to document first-hand the fight to save these wild creatures was relevant, appropriate and demonstrated *due impartiality*. We observe that the program presented a range of principal relevant perspectives of eminent scientists with extensive experience on the specific issues examined in the broadcast ….

[…]

We are satisfied that the questions posed by the reporter were relevant and based strictly on news value, and that all interviewees were afforded ample opportunity to respond to the questions and to make their positions clear. We are satisfied that while rigorous, the reporter demonstrated a consistently civil and objective approach.

**Contextual factors**

The complainant was concerned about a lack of due impartiality in the report, and the undue favouring of one perspective over another over the course of the program.

Standard 4.1 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 context.

Standard 4.5 requires the ABC to not ‘unduly’ favour one perspective over another.

Whether a breach of the Code has occurred will depend on the themes in the program, any editorial comment, the overall presentation of the story and the circumstances in which the program was prepared and broadcast.

In this case, the theme of the program was Australia’s ‘extinction crisis’ as illustrated by four case studies: the Eastern Quoll, Leadbeater’s Possum, the Swift Parrot, and the Eastern Curlew. These case studies explored the current listed threatened category of each species, threats to their survival, current protections in place, and consideration of the level of protection needed to ensure their long-term viability.

The ACMA considers the ordinary, reasonable viewer would have understood the program to be a presentation of efforts being made to save endangered species in Australia, and some of the challenges being faced. The ACMA considers it likely the audience would also have had a wider awareness that species conservation in Australia was a long-running, complex issue which was, at times, strongly contested within the community.

**The ACMA’s assessment**

The ACMA has assessed whether the broadcast has fulfilled the requirement that it demonstrate due impartiality, and whether it unduly favoured one perspective over another.

The ACMA notes:

* The program was about extinction and threatened species in Australia. It was not an exploration of forestry or the timber industry in Australia.
* As noted above, the ACMA considers the reference to [The University] research was appropriate to this context. It was also not necessary, in the context of the program, to refer to the amount of forest reserved for conservation, given the Government’s conservation advice that identified logging as a threat, despite the existence of forest reserves.
* There was no evidence of an ‘anti-timber’ narrative across the program as a whole. Multiple factors were presented as impacting on threatened species in Australia, including fire, predation, and habitat loss.
* The program included multiple perspectives, including those of biologists, conservationists, volunteers, a forester, senior political figures, and a representative of the timber industry. These presented a range of views on species conservation. Impartiality does not require that every perspective receives equal time.
* It is expected interviewers will use the appropriate tone and style for the circumstances. Interviews with senior political figures, who are answerable to the public, can remain fair while being robust and challenging. In this case both political interviewees—the Federal Environment Minister and the Victorian Premier—were given the opportunity to express their views in full.
* The ACMA assessed the alleged inaccuracies in the course of the investigation and found that the factual content was accurate and presented in context.

The ACMA has, in previous investigations, noted that programs are entitled to take specific lines of enquiry. In this instance, it was legitimate for the ABC to explore extinction risks in Australia, and for that exploration to include the views of conservation experts and volunteers in the field. Sufficient background information was provided about the interviewees for viewers to contextualise and apply requisite judgement to their statements.

The ACMA considers the program was presented with due impartiality with no undue favouring of one perspective over another.

Accordingly, in broadcasting the program, the ABC did not breach Standard 4.1 or 4.5 of the Code.

Attachment A

**Extracts of the complaints to the ABC and to the ACMA**

***Complaint to the ABC dated 2 August 2019:***

[We] would like to submit a complaint about some of the forestry segment of the *Four Corners* program *Extinction Nation* that aired on 24 June 2019.

We believe that the *Extinction Nation* episode represented bias on forest issues and neglected in its obligations of its charter to provide balance, in particular the failure of the program to report on all the available science on these matters, including the work of forest scientists. We believe that the approach to this episode seriously misrepresented the science and the reality of species extinction due to a lack of context, basic understanding, and influence of environmental extremists, which resulted in poor journalistic outcomes.

It is well documented, but not reflected in the program that forestry has never been responsible for any fauna or flora extinction in this country. Accordingly, a *Four Corners* program devoting almost half of its on-air time to forestry whilst ostensibly examining the threat of extinction faced by Australian wildlife, displays a serious lack of perspective on what the real threats to our wildlife are.

The major threats to Australia’s forest-dwelling wildlife are introduced pest animals and plants, unnatural fire regimes, and permanent habitat loss for agricultural or urban development. While these threats were mentioned in passing by at least one ecologist interviewee, Four Corners did not take the opportunity to interview experts in areas such as pest animal eradication or fire management thereby severely diminishing the program’s credibility in this subject area.

Furthermore, nowhere in the program’s discussion of the supposed threat of forestry to two species – Leadbeater’s Possum and Swift Parrot – was there any mention of the respective proportions of their forested habitats that are used for forestry versus already reserved for biodiversity conservation. This omission grossly exaggerated the real threat posed by timber harvesting and regenerating forests, given that it is already excluded from most forests.

[…]

We have provided additional information for the benefit of your journalists and also to support our complaint below.

**Complaint to the ABC re Four Corners 24 June 2019: ‘Extinction Nation’: Supporting Documentation on Specific Areas of Concern**

**1. Bias manufactured by selective treatment of information provided to the program**

There are many examples in the *Extinction Nation* program where the ABC through its background fact-checking and/or research interviews was provided with highly relevant information which was either ignored or downplayed in the screened final program.

**2. Non-disclosure of critically important context**

The proportion of forest that is actually used for timber production is fundamental to any examination of the environmental impact attributable to forestry activities. Professional forester […], had stressed the importance of this context in two separate phone discussions with ABC researchers in the weeks prior to his interview by *Four Corners*.

It was also a major point of discussion in the program’s subsequent interview of [the forester] on May 16th, during which he pointed out that much of the ecological research into Leadbeater’s Possum (LBP) has repeated a wildly erroneous claim that 80% of the mountain ash forest type preferred by LBP are available for timber harvesting, even though the real figure is around 30% (with the other 70% already reserved for biodiversity conservation).

Following his interview, [the forester] sent extracts from the Central Highlands Forest Management Plan (1998) to the *Four Corners’* reporter, […], and producer, […], to demonstrate that the ‘80% available for logging’ claim is not true. […].

[The forester]’s interview did not make it into the final program and accordingly no mention was made during the program that most of the forest favoured by Leadbeater’s Possum was not actually used for timber production. This omission was critically important because it allowed adverse opinions about timber production’s supposedly dire impact on the possum’s survival, expressed by conservation biologists […] to be unfairly legitimised.

The program’s non-disclosure of how much forest is already reserved from timber harvesting also enabled other misconceptions to be legitimised. For example, the claim made whilst filming in a logged coupe that these public forests are not protecting all values for everyone, without disclosing that, as most forests are not used for timber production, the landscape as a whole does indeed supply all the values expected from public forests.

**3. Non-disclosure of visual context**

The program featured a night-time Leadbeater’s Possum survey undertaken in what appeared to be young regrowth forest. However, no mention was made on whether this regrowth was post-timber harvesting. This is important because if the area where the detections were made has a history of timber harvesting or is timber harvesting regrowth, then much of the basis of the *Four Corners* narrative on the supposedly dire impact of forestry would fall apart.

**4. Inclusion of false or dubious assertions due to apparent double standards in fact-checking**

We are aware from [two] Government forestry agencies that *Four Corners’* researchers undertook extensive fact-checking of statements made by both [CEO AFPA] and [the forester] in their *Four Corners* interviews, so as to ensure that false assertions were excluded from the final program. Indeed, prior to his interview, [the forester] spent approximately 1.5 hours on separate phone conversations with two different ABC researchers […] fact-checking a scientific paper he had co-authored last year.

However, it seems that the same standard of fact-checking was not undertaken in relation to statements made by the [interviewees].

The following is a list of examples of such false or dubious assertions made on the program:

• *“There has been very little reduction in the pressure on the forest in fact it is significantly greater than it has ever been.”* […].

This statement is completely false and the ABC’s program researchers had obtained information from VicForests showing it to be false, yet it was allowed to be aired on the program. In fact, there has been a substantial reduction in the level of timber harvesting in these forests over the past decade in response to the effects of the 2009 bushfires as well as the application of hundreds of additional buffers for conserving Leadbeater’s Possum since 2014. This has resulted in one sawmill closure as well as a major 40% reduction in the sawlog volume annually supplied to the nation’s largest remaining hardwood sawmill in [the area].

• *“Another fire and continued logging would basically nail the rest of the populations”* […]

This statement is false. While fires are certainly the major threat to wildlife populations, the presence of a timber industry operating in a minor portion of the forest plays a major role in reducing the wider fire threat through maintaining the access road network and providing expertise, equipment, and manpower that makes a substantial contribution to fire-fighting. This was also pointed out to the program’s researchers but entirely ignored.

Indeed, the program’s accompanying imagery taken near Cambarville of 1939 regrowth forest burnt by the 2009 fires, which was intended to convey destroyed habitat, is in-fact a hot-spot for Leadbeater’s Possum detections. The possum is being found extensively in the regrowth stimulated by the 2009 bushfires and this was also explained to the ABC’s researchers by the state’s forestry agency, VicForests, but was ignored by the program.

• *“It’s going to take 200 years for this to become habitat for species such as Leadbeater’s Possum Greater Gliders, Yellow Bellied Gliders”* […]

This statement is false because the forest in question was, prior to harvesting, 80-year old regrowth mountain and alpine ash in which pre-harvest surveys had found no evidence of gliders or Leadbeater’s Possum. Further to this, Leadbeater’s Possum is being readily found in harvested regrowth provided suitable nesting trees are present.

• *“Timber harvesting is allowed to have a significant impact on the species.”* […]

This was allowed to go on the program unchallenged, despite the ABC’s researchers having been told that most of the forest is not being used for timber harvesting. Further to this, pre-harvest surveys ensure that the planned harvest area is not occupied by Leadbeater’s Possum, because where-ever it is found it is protected in a 200-metre radius exclusion zone (ie. a 12.6 hectare reserve).

• *“I don’t think it is possible to have a viable timber industry and the Leadbeater’s Possum. I think we will lose it if we keep going the way we are going.”* […]

This was allowed to go on the program unchallenged, despite the ABC’s researchers having been told that most of the forest is not being used for timber harvesting. The table of recent Leadbeater’s Possum detections (below) shows that the species successfully co-exists with timber harvesting and, given the range of measures in place for its protection, there is no reason for this not to continue in-perpetuity.



• *“The situation in Australia is that a lot of this work [ie. field surveying of Leadbeater’s Possum] isn’t being done by government agencies, and so if volunteers like us weren’t doing it, it just wouldn’t be done and the animals would be going extinct”* [Volunteer], […]

The *Four Corners* program allowed [the volunteer’s] above claim to be aired despite it being made clear to the ABC’s program researchers that Victorian Government scientists had detected most of the 535 new Leadbeater’s Possum colonies found since 2014.

• *“We think that there are probably between 1,000 and 3,000 individuals, which is a very small population* [of Leadbeater’s Possum]” ([the volunteer], anti-timber harvesting activist)

[…] In fact, the total number of documented colonies (688) found in just the ~10% portion of its range which has been surveyed thus far, suggests an estimated population range of 2,000 – 7,500 based on 3 to 11 individuals per colony. Clearly, its population estimate will be much larger than this when the whole of its potential habitat area (~204,000 hectares) is surveyed.

The ABC was made aware of this more informed population estimate but ignored it in when preparing the final program. […]

• *“Leadbeater’s Possum as we know is a critically endangered species. It has suffered catastrophic population decline over the last 20 years”* […]

*Four Corners*, through its program researchers’ various discussions with [the forester] and VicForests personnel, as well as their possession of a published peer-reviewed paper (Poynter and Ryan, 2018), was made well aware that there were different scientific interpretations about the conservation status of Leadbeater’s Possum. This included a strong contention that the original research conducted by [The University] had been overtaken by the more recent work of Victorian Government scientists since 2014, which had found the possum to be far more numerous, resilient, and widespread, including in habitat types where it had never before been known.

Despite this, *Four Corners* accepted only [The University] version of the science (as expressed by its three interviewed conservation scientists). One of these interviewed scientists did acknowledge the improved survey methodology with its substantially higher rate of possum detection by Victorian Government scientists, but wrongly dismissed this as having little relevance in determining the population trend […]. It was also pointed out to the ABC that the new survey technique (as described in Nelson et al 2017) was based on targeted random surveying of forest areas across the various age classes and disturbance types and demonstrated very high detections (41-60%) within the 200 plus surveyed sites.

*Four Corners* accepted that the possum’s absence on about half of [The University’s] 32 long term monitoring research plots where it had previously been found, was incontrovertible evidence of a ‘catastrophic population decline’, despite its program researchers being informed that Victorian government scientists using their new and improved hi-tech survey methodology had found the possum to still be present in many of these supposedly vacated research plots.

*Four Corner’s* also unquestioningly accepted the whole-of forest extrapolations about Leadbeater’s Possum population estimates and declining habitat derived from [The University’s] network of 163 permanent plots, even though it had been pointed out to its researchers (and in the interview with [the forester]) that these plots are acknowledged to be unrepresentative of the full range and weighting of age classes and structures that occur throughout the forest, thereby making extrapolations based on this plot data problematic.

For the program not to inform its audience that there were other scientific interpretations of the conservation status of Leadbeater’s Possum created a bias towards an [The University] narrative that aligns with vociferous anti-logging campaigns […] (as was outlined in Poynter and Ryan 2018 which *Four Corners* was also well aware of).

**5. Interviews**

**Bias introduced by lack of balance in who was interviewed**

In relation to its forestry component, the program was biased by its over-reliance on interviews with three conservation biologists and an anti-forestry activist, while only one interview with a timber industry executive was allowed to provide some alternative views. We are aware that […] [the forester] – was interviewed, but his professionally informed views on practical forest management, which in-part contradict the activist and academic views on forests, were not included in the final program.

[…]

**Inconsistent interviewing style**

From viewing the program there appears to be a distinct difference in interviewing style between the affable approach evident towards those promoting the notion of an extinction emergency, and the more aggressive and at times rude, interrupting approach apparent in the interview with Federal Environment Minister, […].

Further to this, the program’s door-stop interview with Victorian Premier […] was embarrassingly aggressive and rude […].

**Polarisation of the narrative**

Along with the omission of critical context about the pre-existing balance between forests used versus those already reserved, the program’s choice of interviewees (ie. 4 pro-environment versus one timber industry spokesman) created a falsely polarised program narrative that would have led the average, unaware viewer to conclude that all forests will be logged and so preventing extinctions will necessitate closing the timber industry.

[…]

**Complaint to the ACMA dated 21 October 2019:**

We […] initially complained to the ABC about this program on 31 July, and the ABC responded on 25 September. Our complaint applies only to the first half of the program which dealt with extinction threats to two forest-based species and the supposed central role of timber production in driving this threat.

We believe that the ABC response to our complaint is inadequate because it maintains that the program was impartial despite it:

1) omitting highly relevant background context that was supplied to the ABC during pre-program research and fact-checking, as well as via an interview with a professional forester (which did not appear on the program);

2) it weights its interviewees four to one in favour of a conservation science perspective that was able to be further exaggerated by leaving out the key background context;

3) it further over-emphasises a conservation science perspective by limiting alternative views to one non-scientist timber industry spokesperson; and

4) it therefore misrepresents the controversy over the extinction threat to these two forest species as a contest between science and industry, when in reality it is a contest between narrow, species-focussed conservation science and broader landscape-focussed forest science.

Rather than equally presenting all known perspectives, the program appears to have chosen a preferred perspective that best fits a pre-conceived narrative of dire extinction threat. The ABC’s response to this criticism is that the contextual information provided to it, which would have given the program's viewers some much needed perspective, was “not newsworthy or relevant” and therefore did not need to be included. In our view, it is inconceivable that, for example, the fact that most of the forest is not actually used for producing timber, could be considered to be irrelevant to a program primarily focussed on presenting timber production as the main agency of impending extinction. This program focus was encapsulated in its interview of [The University] ecologist, […], during which he claimed that the survival of Leadbeater’s Possum is incompatible with an ongoing timber industry.   
  
The ABC justifies its “not newsworthy” stance by relying on “the experts (ie. three ecologists) and the (Federal Environment) Minister” who (supposedly) agree that logging is “a significant threat to the species”. However, the (ignored) contextual information provided to the program by foresters and forestry agencies cautioned that these ecologists are not experts in forest management […].  
  
The ABC refers to the Minister’s recently signed Conservation Advice for Leadbeater’s Possum as vindication of the program’s over-stated threat attribution to logging. However, the Conservation Advice considers logging in its proper perspective as a limited threat that applies to less than 30% of the possum’s preferred forest types, and is therefore of minor significance compared to wildfire and natural attrition of hollow-trees which apply to 100% of the possum’s preferred forest types.   
  
We contend that by omitting much of the background context about the extent of current and future logging, as well only barely mentioning new evidence about the numbers, resilience and recovery of Leadbeater’s Possum in particular, *Four Corners* substantially mislead its audience about the extinction threat posed by logging.

Attachment B

Extracts of the ABC’s response to the complainant

***ABC response to the complainant dated 25 September 2019:***

We note your statement – *“It is well documented, but not reflected in the program that forestry has never been responsible for any fauna or flora extinction in this country.” Four Corners* reported that forestry was one of the elements identified as threatening the ongoing viability of certain species, particularly the Leadbeater’s Possum and the Swift Parrot. The program has identified how they confirmed this fact against the Conservation Advice provided by the Threatened Species Scientific Committee for the Leadbeater’s Possum, approved by the Federal Environment Minister effective from June 22, 2019, which identifies logging as a threat to the Leadbeater’s Possum – <http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=273>

We also observe the Conservation Advice provided by the Threatened Species Scientific Committee for the Swift Parrot, approved by the Federal Environment Minister effective from May 5, 2016, which states -*The rate of collapse of hollow-bearing trees is also influenced by the other main threats listed here, fire and logging.*

*Based on the current trajectory of habitat management, where loss of potential breeding habitat is inevitable under management practices used in production forestry (Forest Practices Authority 2010; Chuter & Munks 2011), population viability of swift parrots is likely to worsen as habitat continues to be logged.*

<http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=744>

We cannot agree with your concern that the report was unduly critical of forestry while overlooking other significant threats to endangered species. We observe the report presented both the Minister and Professor W speaking about the problem of invasive species, and that issue was covered in some length in relation to the Swift Parrot and the threat posed by the introduced sugar glider –

FEDERAL ENVIRONMENT MINISTER: *Across rural Australia, there are too many introduced pests and animals attacking and changing our native animal habitat. That's the area that I want to focus on as a Minister, because something can be done.*

PROFESSOR BW, THREATENED SPECIES RECOVERY HUB: *Unfortunately, invasive predators in particular are very difficult to manage. Cats are everywhere now in Australia and they eat about a million birds a day, 360 million birds a year are consumed by cats. Foxes, probably a similar sized impact. So, we really do have to address this if we're going to actually conserve biodiversity in this country. But when you've got a threat that's everywhere, it's very hard to manage.*

[CEO AFPA], Australian Forest Products Association: *They're modifying the coops that they access, and changing the time of year, that sort of thing, to make sure that they're minimizing their impact. Anyone who's saying that if you stop forestry altogether, you're going to save swift parrots is wrong, and I think they know they're wrong because the greatest danger to the parrot is the sugar glider.*

[ABC REPORTER]: *The problem for swift parrots and other birds in this forest ...isn't cats or foxes... it's another invasive animal.*

[DR S]: *The primary cause of their decline today is predation by introduced sugar gliders in context of severe habitat loss that's ongoing across Tasmania today. Sugar gliders, which are introduced to Tasmania, crawl into the nests of Swift parrots at night, where they kill and eat the female and her eggs. And in some places, up to 100% of Swift parrots can be killed in a nesting colony. And on average, about half of the female parrots that attempt to nest in a given year are actually killed by gliders. That's 50% every year.*

We also observe that a substantial aspect of the report, almost the entire final third of it, focused on the threat of habitat loss owing to development and its impact on the Eastern Curlew.

[…]

Bias manufactured by selective treatment of Information provided to the program

Your statement is noted.

Non-disclosure of critically important context

*Four Corners* has acknowledged the information and advice provided by [the forester], which the program carefully considered, and we note your advice that [the forester] “*pointed out that much of the ecological research into Leadbeater’s Possum (LBP) has repeated a wildly erroneous claim that 80% of the mountain ash forest type preferred by LBP are available for timber harvesting, even though the real figure is around 30% (with the other 70% already reserved for biodiversity conservation). Following his interview, [the forester] sent extracts from the Central Highlands Forest Management Plan (1998) to the Four Corners’ reporter, [..], and producer, […], to demonstrate that the ‘80% available for logging’ claim is not true.”*

We observe that the report did not refer to what you describe as the *“wildly erroneous claim that 80% of the mountain ash forest type preferred by LBP are available for timber harvesting”,* so we are satisfied there was no editorial requirement for the program to present any counter claim to that figure or to present figures on the percentage of forest used by the Leadbeater’s Possum. As noted above, the Conservation Advice provided by the Threatened Species Scientific Committee for the Leadbeater’s Possum, approved by the Federal Environment Minister, identifies logging as a threat to the Leadbeater’s Possum. The percentage of forest used by the Leadbeater’s Possum that is not subject to logging is immaterial to the newsworthy focus of the report.

The fact that a percentage of forest used by the species is not subject to logging, is not considered newsworthy or relevant as it does not in any way detract from the newsworthy fact, and matter of significant public interest, that those areas of Leadbeater’s Possum habitat that are subject to logging are considered by the expert scientists and the Minister to be a significant threat to the species. For this reason, we are satisfied there was no editorial requirement for the program to present the information you refer to. This was not a report about logging or forestry. This was a report about the extinction threat to certain native species, and to the extent that logging was relevant to that newsworthy focus, information was accurately presented in context and with *due impartiality.*

Furthermore, the program has explained how its research confirmed the current conservation reserve system is considered by experts to be insufficient to ensure the long-term survival of the Leadbeater’s Possum, which was demonstrated by the Environment Minister’s decision to retain the *critically endangered* classification. *Four Corners* confirmed that the Threatened Species Scientific Committee recommends expanding the dedicated reserve system for the Possum.

It became evident from the program’s research that conservation reserves are also considered insufficient to ensure the long-term survival of the Swift Parrot, demonstrated by its *critically endangered* classification and the 2016 Ministerial approved conservation advice which states the *“population viability of Swift Parrots is likely to worsen as habitat continues to be logged.”* That advice also states that *“ongoing habitat loss, particularly within the primary breeding areas in Tasmania, represents the single biggest threat to the survival of the Swift Parrot in the wild particularly as it now appears to enhance nest predation by introduced sugar gliders. The primary conservation action for Swift Parrots is, therefore, to prevent further habitat destruction from land clearance, grazing and forestry activities in high quality Swift Parrot summer nesting and breeding habitat.”*

It is important to understand that the relevant, newsworthy issue being examined by *Four Corners* was the fact the species is considered *critically endangered,* and that logging is considered by the expert Ministerial advice to be partially to blame,regardless of the fact there is also forest habitat used by the Leadbeater’s Possum that is not used for timber production. The fact there is forest reserved from timber harvesting used by the Possum in no way diminishes or alters the newsworthy focus of the report – that logging is considered a significant contributing factor to the *critically endangered* classification of the species. For that reason, we are satisfied there was no editorial requirement for the program to provide the level of detail on reserved forest you refer to, within this context.

Non-disclosure of visual context

Regarding your concern about the night-time Leadbeater’s Possum survey presented in the report, we note that at no stage in the broadcast was it claimed or suggested that the Leadbeater’s Possum cannot exist in post timber harvested areas. We note the Threatened Species Scientific Committee advice, approved by the Federal Environment Minister, lists logging as a threat to the survival of the Leadbeater’s Possum.

Inclusion of false or dubious assertions due to apparent double standards in fact-checking

Your reference to *Four Corners’* fact checking, and belief the program applies “double standards” is noted. Audience and Consumer Affairs is satisfied the rigorous and forensic approach to the program’s fact checking is applied routinely to all information considered in its newsgathering.

We note your reference to the following sentence […] from the report – *There has been very little reduction in the pressure on the forest in fact it is significantly greater than it has ever been*.

We note the full context in which that statement was presented in the report –

PROFESSOR L: *We're seeing record low levels of old-growth forest. We're seeing increases in the number of fires. We've seen very little change in the level of pressure on the forest. In fact, it's significantly greater than it's ever been.*

[ABC REPORTER]: *A vast swathe of prime Leadbeater's habitat was burned in the Black Saturday bushfires in 2009. The area where they live is also a key source of timber for the state's forestry industry.*

PROFESSOR L: *Another fire and ongoing logging would basically nail the rest of the populations. The remaining parts of the landscape are essentially the small scrappy bits with very few large old trees left within them. Essentially, you'll see rapid degradation of the remaining habitat, which is exactly what we've seen.*

We are satisfied the sentence you identify clearly states the pressure being referred to is not solely from logging, but explicitly refers to the threat of fire, with specific reference to the catastrophic Black Saturday event, and there was nothing materially misleading about this aspect of the report.

We note your reference to the following sentence […] from the report - *Another fire and continued logging would basically nail the rest of the populations* - and your comments regarding the accompanying vision which you claim *“was intended to convey destroyed habitat, is in-fact a hot-spot for Leadbeater’s Possum detections. The possum is being found extensively in the regrowth stimulated by the 2009 bushfires and this was also explained to the ABC’s researchers by the state’s forestry agency, VicForests, but was ignored by the program.”*

We note the full context in which that statement and vision was presented in the report –

*PROFESSOR L: Another fire and ongoing logging would basically nail the rest of the populations. The remaining parts of the landscape are essentially the small scrappy bits with very few large old trees left within them. Essentially, you'll see rapid degradation of the remaining habitat, which is exactly what we've seen.*

The program has noted Professor L’s 35 years of research in this field, including his work that demonstrates the fragmentation of the forest landscape, and corroborated it against the expert conservation advice approved by the Federal Environment Minister, which considers the Leadbeater’s Possum critically endangered because of the potential future loss of habitat due to threats including fire and logging.

We observe this aspect of the report also presented the statement by VicForests and the perspective of [CEO AFPA] –

[ABC REPORTER]: *State-owned VicForests has told Four Corners: It is "... investigating this to find potential improvements in these practices" And "burning is inherently difficult and this low intensity burn did go beyond containment lines. This happens in perhaps 1% of burns."*

[CEO AFPA]: *Fires as we all know, are inexact sciences. So sometimes they may not be exactly across a line that you drew, they might be just a little bit inside it. I don't know the specifics of this example.*

[ABC REPORTER]: *After an increase in sightings, the forestry industry applied two years ago get the possum downgraded from critically endangered to endangered. It also cites a study that shows Leadbeater’s Possums in six areas up to 15 kilometres from their known range.*

[CEO AFPA]: *The great news is that there are thousands and thousands of possums. That is wonderful news. Frankly, everyone involved in this whole process I think should be celebrating that. Most people are to be honest, because the forest industry cares deeply about threatened species.*

We are therefore satisfied there was nothing materially misleading about this aspect of the report.

We note your concern about the following statement […] – *It is going to take 200 years for this area to become new habitat for animals like Leadbeater’s Possums, Greater Gliders, Yellow Bellied Gliders.*

The program has explained how it gave due consideration to Professor L’s research that indicates suitable nest trees are 170-190 years old, which was substantiated by the conservation advice which states that *“Hollows only begin to form in trees from 120 years of age”.* *Four Corners* also note the conservation advice approved by the Federal Environment Minister, which states the rate of collapse of hollow-bearing trees is influenced by *“fire and logging”* and *“Leadbeater’s Possums do not occur on burned sites, including those subject to moderate severity fire, clear-fell logged or regenerated montane Ash forest where hollow-bearing trees are absent until required conditions are returned.”*

We note your concern about [the] view that *Timber harvesting is allowed to have a significant impact on the species*.

The ABC understands that Professor W is a respected scientist with more than four decades of experience. He contributed to the Federal Environment Department’s Leadbeater’s Possum Recovery Plan for the species, and the point he is making is corroborated by the conservation advice which states logging is a main threat to Leadbeater’s Possum. We note your statement that the program was advised that “most of the forest is not being used for timber harvesting.”

We note your concern about [the] statement - *I don’t think it is possible to have a viable timber industry and the Leadbeater’s Possum. I think we will lose it if we keep going the way we are going*.

Professor BW is a respected and credible scientist, […]. His perspective is corroborated by the conservation advice, approved by the Federal Environment Minister, which states logging is a threat to Leadbeater’s Possum. We are satisfied that his statement was not materially misleading to the program’s audience.

We note your concern about the following statement by [the volunteer] - *The situation in Australia is that a lot of this work* [i.e.. field surveying of Leadbeater’s Possum] *isn’t being done by government agencies, and so if volunteers like us weren’t doing it, it just wouldn’t be done, and the animals would be going extinct.*

The program has provided the following statement in response: *“Four Corners understands that about 100 of the detections of Leadbeater’s Possums have been made by volunteer groups. At no point does [the volunteer] say that they have been responsible for all the detections made to date, hence his quote is accurate.*”

We note your concern about the following statement from [the volunteer] - *We think that there are probably between 1,000 and 3,000 individuals, which is a very small population* [of Leadbeater’s Possum].

*Four Corners* has explained how its research established that estimates on the exact population of Leadbeater’s Possum are strongly disputed. Therefore, the program included the claim from [the volunteer], the head of the volunteer conservation group Friends of Leadbeater’s Possum, and the following quote from […], the head of the Australian Forest Products Association:

*[CEO AFPA]: The great news is that there are thousands and thousands of possums.*

[…] we note that VicForests was invited to respond to the issues being examined in the report, but declined the program’s request for an interview.

We note your concern about the following statement […] – *Leadbeater’s Possum as we know is a critically endangered species. It has suffered catastrophic population decline over the last 20 years.*

*Four Corners* has explained to Audience and Consumer Affairs that it carefully considered the different scientific interpretations about the conservation status of the Leadbeater’s Possum. The program has provided the following statement in response –

*This quote is very clearly referring to the decline of the species, which scientists canvassed by Four Corners say is something that can only be measured over time. The conservation advice approved by the Federal Environment Minister relies on [The University] science. It clearly states “[The University] research group have been monitoring possums directly since 1997 at 163 long term field sites”; and “This is the only longitudinal dataset of appropriate scale for this assessment”.*

*Analysis of the long term [The University] monitoring data shows a decline in Leadbeater’s Possum across all [The University] sites of over 50 percent.*

*As the most senior member of the federal government funded* […]*, Professor BW’s interpretation of the 50 percent decline as ‘catastrophic’ is justified. If the global population of humans reduced by 50 percent in a 20-year period, I think most people would consider this to be catastrophic.*

*Unfortunately, VicForests, the Victorian Premier and the Victorian Environment Minister declined our request for interviews on this topic to put their perspectives forward.*

The program made reasonable efforts to confirm that [The University] science is the only long-term data study for the decline of the possum, and does not agree that the Victorian government data has “over taken” [The University] science, in terms of monitoring population decline. The Victorian government data covers only a 3 years period, and the methodology changed during the research, whereas [The University] science is over approximately 30 years. The Conservation Advice, which was approved by the Minister, explicitly states when it comes to population decline [The University] science is the only data set they can consider.

Nevertheless, we observe the report made the relevant point from the Victorian Government research in the reporter’s voice over:

[ABC REPORTER]: *After an increase in sightings, the forestry industry applied two years ago to get the possum downgraded from critically endangered to endangered. It also cites a study that shows Leadbeater’s Possums in six areas up to 15 kilometres from their known range.*

[CEO AFPA]: *The great news is that there are thousands and thousands of possums. That is wonderful news. Frankly, everyone involved in this whole process I think should be celebrating that. Most people are to be honest, because the forest industry cares deeply about threatened species.*

We also note the fact that VicForests and the Victorian Environment Minister declined to do an interview with the program and put their views and interpretations forward.

Interviews

It is important to understand that impartiality does not require that every perspective receives equal time, or that every facet of every argument is presented. Given the report was about the extinction crisis of Australian native animals, we are satisfied the focus on leading scientists and conservation volunteers to document first-hand the fight to save these wild creatures was relevant, appropriate and demonstrated *due impartiality*.

We observe that the program presented a range of principal relevant perspectives of eminent scientists with extensive experience on the specific issues examined in the broadcast, including Professor [BW], […}; Professor W, a biologist with four decades of experience; Dr S, a conservation biologist who has spent nearly a decade studying endangered birds; and Professor L, a trained forester who has studied Victoria’s forests for nearly 30 years, and who was awarded an Order of Australia for his work and is a fellow of the prestigious Ecological Society of America. The program established that these scientists have between them hundreds of peer reviewed papers on the relevant issue of conservation in Australia.

We observe the report also presented the principal relevant perspectives of […] the Federal Environment Minister; [CEO AFPA], Australian Forest Products Association; Victorian Premier, […]; […], the Australian Conservation Foundation; Dr F, Ecologist at the University of New England and [the volunteer], Friends of Leadbeater’s Possum.

The program has explained that its requests to VicForests, the Victorian Environment Minister and the Victorian Premier for detailed interviews were declined. We observe that a relevant aspect of a statement provided to the program by VicForests, in response to fire management, was included in the broadcast, and to the extent that the Victorian Premier was willing to answer questions when “door stopped” by the reporter, his responses were included in the broadcast.

Regarding your concerns about [the forester], *Four Corners* has explained that his contact with the program and material he provided did help to inform its understanding of the matters examined in the report, and they have provided the following response –

*During our interview with [the forester], he described himself as a “commentator” and said, “I’m not a researcher, I’m not an academic, I’m just looking at (it) from a forestry perspective”. As a result, Four Corners decided that [CEO AFPA], as the head of the Australian Forest Products Association, was a more appropriate person to quote in the story.*

The program has also explained to Audience and Consumer Affairs that certain relevant points made by [the forester] were also expressed by the [CEO of AFPA], which were included in the broadcast.

*Four Corners* understands [the volunteer] is the head of a volunteer organisation dedicated to the long-term survival of the Leadbeater’s Possum, who therefore represented a principal relevant perspective on the issue of the animal’s potential extinction. His interest in the issue was clearly disclosed and position on the matter was clear to the program’s audience. We are satisfied there was no editorial requirement to report the information you identify within the context of his contribution to the report.

Professor W was interviewed as a relevant expert who assisted the Federal Department of Environment draft the Recovery Plan for the Leadbeater’s Possum. We are satisfied he represented a principal relevant perspective on the issues examined in the report, and there was no editorial requirement to report the information you identify within the context of his contribution.

Your comparative assessment of the interviews in the broadcast are noted. We are satisfied that the questions posed by the reporter were relevant and based strictly on news value, and that all interviewees were afforded ample opportunity to respond to the questions and to make their positions clear. We are satisfied that while rigorous, the reporter demonstrated a consistently civil and objective approach.

For these reasons, Audience and Consumer Affairs is satisfied the program demonstrated *due impartiality* in the way it gathered and presented relevant information and perspectives on the extinction threat to various native Australian animals. The program demonstrated open-mindedness and fairness by seeking and presenting a range of informed perspectives from diverse sources including relevant senior politicians, the forestry industry, scientists and conservation activists and volunteers who were deeply familiar with the subject.

We are satisfied the program made reasonable efforts, by considering a breadth of information on the issue being investigated and presenting the relevant data, to ensure the material facts were accurately presented, in context.

Attachment C

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.

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

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

[…]

**4.5** Do not unduly favour one perspective over another.

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.

The ACMA’s approach to assessing content

The ordinary reasonable viewer

When assessing content, the ACMA considers the meaning conveyed by the material that is the subject of the complaint, 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.[[7]](#footnote-8)

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

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.[[8]](#footnote-9)
* 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[[9]](#footnote-10)
  + whether they are simply comments made on another person’s account of events or a separate assertion about matters within their expertise.

1. <https://www.environment.gov.au/biodiversity/threatened/conservation-advices>, accessed 2 March 2020. [↑](#footnote-ref-2)
2. <https://www.environment.gov.au/cgi-bin/sprat/public/publicthreatenedlist.pl>, accessed 9 January 2020. [↑](#footnote-ref-3)
3. <https://www.environment.gov.au/biodiversity/threatened/species/20-mammals-by-2020/leadbeaters-possum>, accessed on 11 December 2019. [↑](#footnote-ref-4)
4. See criterion 1A4(b) at: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/273-conservation-advice-22062019.pdf>, accessed 10 January 2020. [↑](#footnote-ref-5)
5. <http://www.environment.gov.au/biodiversity/threatened/species/pubs/273-conservation-advice-22062019.pdf>, accessed 10 February 2020. [↑](#footnote-ref-6)
6. <http://www.environment.gov.au/biodiversity/threatened/species/pubs/273-conservation-advice-22062019.pdf>, p4-5, accessed 10 January 2020. [↑](#footnote-ref-7)
7. *Amalgamated Television Services Pty Limited v Marsden* (1998) 43 NSWLR 158 at pp 164–167. [↑](#footnote-ref-8)
8. 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-9)
9. 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-10)