

██████████ ██████████
From: ██████████ ██████████
Sent: Tuesday, 16 July 2013 10:02 AM
To: ██████████ ██████████
Subject: TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson
DRAFT [SEC=UNCLASSIFIED]
Attachments: Outcome letter to Mr Wilson DRAFT.tr5

Ho ██████████

Please review draft outcome letter,

Cheers,

██████████

-----< TRIM Record Information >-----

Record Number : ED13/97502
Title : Outcome letter to Mr Wilson DRAFT

17 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

Dear Mr Wilson,

Re: Investigation – Q & A – broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating your complaint about the ABC TV's program *Q & A* broadcast on 11 February 2013 (Broadcast).

This letter is to inform you that the ACMA has concluded its investigation.

The ACMA has determined that the Broadcast did not breach the impartiality and diversity of perspectives standards, 4.1, 4.3, 4.4 or 4.5, of the *ABC Code of Practice 2011* (Code).

The key reasons for the investigation findings are outlined below.

In summary, your complaint to the ABC was that the Broadcast “demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott”. In your subsequent complaint to the ACMA, you specifically referenced the impartiality and diversity of perspectives standards, 4.1, 4.3, 4.4 and 4.5, of the Code.

Standard 4 – Impartiality and diversity of perspectives

4.1 Gather and present news and information with due impartiality.

4.3 Do not state or imply that any perspective is the editorial perspective of the ABC. The ABC takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of speech and religion, parliamentary democracy and equality of opportunity.

4.4 Do not misrepresent any perspective.

4.5 Do not unduly favour one perspective over another.

Comment [ACaMA1]: Is this needed?

In the course of our investigation, we reviewed your complaint correspondence exchanged with the ABC, your complaint to the ACMA and a copy of the Broadcast provided by the ABC.

Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

The panellists for the Broadcast were: Chris Evans, Labor Senator for Western Australia; George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the IPA Review. The discussion covered topics including: anti-discrimination laws; racism and social media; the Labour Government's mining tax; and the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

In your complaints to the ABC and the ACMA, you submitted that Mr Jones "made persistent snide comments on and mockery of comments and responses made by Brandis and IPA representative, James Patterson on practically every topic discussed" at the same time as "failing to direct even the most modest scrutiny of, or challenge to, Labor's position on these matters as expressed by Chris Evans".

When the ACMA assesses content, it considers what the material would have conveyed to the ordinary reasonable viewer. The ACMA considers that the manner in which a report is presented or reported can influence the conclusions that a viewer would draw from a broadcast. The host has a pivotal role in panel programs of this kind. They play a key role in setting the tone of a program through their style and choice of language.

Further, the nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

Mr Jones's tone and manner of interacting with Senator Evans was the same as when he was interacting with Senator Brandis and Mr Patterson. Mr Jones asked challenging questions to both Senators Evans and Brandis about their respective party's policies and leaders. Given Mr Jones's tone and manner throughout and the range of questions and views that panellist and audience members expressed, I have concluded that the ordinary reasonable viewer would not have understood the Broadcast to have a bias towards the Labor party and against the Coalition.

While I understand that you formed a different opinion from viewing the Broadcast, having assessed the Broadcast in terms of the Code, the ACMA has concluded that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code.

Further Action

The ACMA treats all broadcasting complaints seriously, and aims to thoroughly and impartially investigate complaints in a timely manner. However, if you are concerned with the ACMA's investigation of your complaint, you may wish to make a complaint to the Office of the Commonwealth Ombudsman. The Ombudsman can investigate complaints about the administrative actions and decisions of commonwealth government agencies, including the ACMA.

Information on the role of the Ombudsman and its complaint procedures is available on the Ombudsman's website at www.ombudsman.gov.au, alternatively the Ombudsman can be contacted by telephone on 1300 362 072.

Thank you for bringing your concerns to the ACMA.

Yours sincerely,

[REDACTED]

Executive Manager
Content Consumer Branch

Encl: *ABC Code of Practice 2011*

Australian
Communications
and Media Authority

www.acma.gov.au

From: [REDACTED]
Sent: Tuesday, 16 July 2013 10:46 AM
To: [REDACTED]
Subject: FW: TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]
Attachments: Outcome letter to Mr Wilson DRAFT.tr5

Good, just a few changes. Can you send a clean copy back to me if you're ok with the changes.

Ta
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, 16 July 2013 10:02 AM
To: [REDACTED]
Subject: TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Ho [REDACTED]

Please review draft outcome letter,

Cheers,
[REDACTED]

-----< TRIM Record Information >-----

Record Number : ED13/97502
Title : Outcome letter to Mr Wilson DRAFT

17 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

Dear Mr Wilson,

Re: Investigation – Q & A – broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating your complaint about the ABC TV's program *Q & A* broadcast on 11 February 2013 (Broadcast).

This letter is to inform you that the ACMA has ~~concluded~~ finalised its investigation and. ~~The ACMA~~ has determined that the Broadcast did not breach the impartiality and diversity of perspectives standards, 4.1, 4.3, 4.4 or 4.5, of the *ABC Code of Practice 2011* (Code).

The key reasons for the investigation findings are outlined below.

~~In summary~~ Your complaint to the ABC was that the Broadcast "demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott". In your subsequent complaint to the ACMA, you ~~specifically~~ referenced ~~the impartiality and diversity of perspectives~~ standards, 4.1, 4.3, 4.4 and 4.5, of the Code.

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4.4 Do not misrepresent any perspective.

4.5 Do not unduly favour one perspective over another.

~~In the course of our investigation, we reviewed your complaint correspondence exchanged with the ABC, your complaint to the ACMA and a copy of the Broadcast provided by the ABC.~~

Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

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Comment [REDACTED]: Yes I think we do.

Comment [ACaMA2]: Is this needed?

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Comment [REDACTED]: I think this is fine.

Comment [ACaMA4]: Should I use the info from the webdsi

The panellists for the Broadcast were: Chris Evans, Labor Senator for Western Australia; George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the IPA Review. The discussion covered topics including: anti-discrimination laws; racism and social media; the Labor Government's mining tax; ~~and~~ the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

In your complaints to the ABC and the ACMA, you submitted that Mr Jones ~~"made persistent snide comments on and mockery of comments and responses made by Brandis and IPA representative, James Patterson on practically every topic discussed"~~ at the same time as ~~"failing to direct even the most modest scrutiny of, or challenge to, Labor's position on these matters as expressed by Chris Evans"~~.

When the ACMA assesses content, it considers what the material would have conveyed to the ordinary reasonable viewer. The ACMA considers that the manner in which a report is presented or reported can influence the conclusions that a viewer would draw from a broadcast. The host has a pivotal role in panel programs of this kind. They ~~are~~ play a key role in setting the tone of a program through their style and choice of language.

Further, the nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

The ACMA considers that Mr Jones's tone and manner of interacting with Senator Evans ~~was the same as did not alter~~ when he ~~was~~ interacting with Senator Brandis and Mr Patterson. Mr Jones asked challenging questions to both Senators Evans and Brandis about their respective party's policies and leaders. There is no evidence to suggest that the host conveyed a prejudgement or gave effect to his affections or enmities in respect of the Liberal Party.

~~Given Mr Jones's tone and manner throughout and the range of questions and views that panellist and audience members expressed, I have concluded that the ordinary reasonable viewer would not have understood the Broadcast to have a bias towards the Labor party and against the Coalition.~~

While I understand ~~that you formed a different opinion from viewing the Broadcast~~ your concerns about the Broadcast, ~~having assessed the Broadcast in terms of the Code,~~ the ACMA has ~~concluded~~ found that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code for the reasons outlined above.

Further Action

The ACMA treats all broadcasting complaints seriously, and aims to thoroughly and impartially investigate complaints in a timely manner. However, if you are concerned with the ACMA's investigation of your complaint, you may wish to make a complaint to the Office of the Commonwealth Ombudsman. The Ombudsman can investigate complaints about the administrative actions and decisions of commonwealth government agencies, including the ACMA.

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Thank you for bringing your concerns to the ACMA.

Yours sincerely,

[REDACTED]

Executive Manager
Content Consumer Branch

Encl: *ABC Code of Practice 2011*

**Australian
Communications
and Media Authority**

www.acma.gov.au

From: [REDACTED]
Sent: Tuesday, 16 July 2013 11:10 AM
To: [REDACTED]
Subject: TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson
DRAFT [SEC=UNCLASSIFIED]
Attachments: Outcome letter to Mr Wilson DRAFT.tr5

Back to you:-)

-----< TRIM Record Information >-----

Record Number : ED13/97502
Title : Outcome letter to Mr Wilson DRAFT

17 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
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ACMA2013/794 – Investigation 3042

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This letter is to inform you that the ACMA has finalised its investigation and determined that the Broadcast did not breach the impartiality and diversity of perspectives standards, 4.1, 4.3, 4.4 or 4.5, of the *ABC Code of Practice 2011* (Code).

The key reasons for the investigation findings are outlined below.

Your complaint to the ABC was that the Broadcast 'demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott'. In your subsequent complaint to the ACMA, you referenced standards, 4.1, 4.3, 4.4 and 4.5, of the Code:

Standard 4 – Impartiality and diversity of perspectives

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- 4.4** Do not misrepresent any perspective.
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Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

The panellists for the Broadcast were: Chris Evans, Labor Senator for Western Australia; George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the IPA Review. The discussion covered topics

including: anti-discrimination laws; racism and social media; the Labor Government's mining tax; the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

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The ACMA considers that Mr Jones' tone and manner of interacting with Senator Evans did not alter when he interacted with Senator Brandis and Mr Patterson. Mr Jones asked challenging questions to both Senators Evans and Brandis about their respective party's policies and leaders. There is no evidence to suggest that the host conveyed a prejudgement or gave effect to his affections or enmities in respect of the Liberal Party.


While I understand your concerns about the Broadcast, the ACMA has found that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code for the reasons outlined above.

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Thank you for bringing your concerns to the ACMA.

Yours sincerely,


Executive Manager
Content Consumer Branch

Encl: *ABC Code of Practice 2011*

From: [REDACTED]
Sent: Tuesday, 16 July 2013 11:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]
Attachments: Outcome letter to Mr Wilson DRAFT.tr5

Hi [REDACTED]

Please see attached draft outcome letter for the Wilson complaint for your review.

The NIB stated it was for EM/GM consideration so the letter has been drafted for [REDACTED] to sign.

It has been cleared through [REDACTED]

Happy to answer any questions/queries.

Cheers,

-----< TRIM Record Information >-----

Record Number : ED13/97502
Title : Outcome letter to Mr Wilson DRAFT

17 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

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Thank you for bringing your concerns to the ACMA.

Yours sincerely,


Executive Manager
Content Consumer Branch

Encl: *ABC Code of Practice 2011*

██████████ ██████████
From: ██████████ ██████████
Sent: Tuesday, 16 July 2013 12:16 PM
To: ██████████ ██████████
Cc: ██████████ ██████████
Subject: RE: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Thanks ██████████ - will get back to you soon. Perhaps even today ...

██████████

-----Original Message-----

From: ██████████ ██████████
Sent: Tuesday, 16 July 2013 11:46 AM
To: ██████████ ██████████
Cc: ██████████ ██████████
Subject: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Hi ██████████

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It has been cleared through ██████████

Happy to answer any questions/queries.

Cheers,

-----< TRIM Record Information >-----

Record Number : ED13/97502
Title : Outcome letter to Mr Wilson DRAFT

From: [REDACTED]
Sent: Tuesday, 16 July 2013 3:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Hi [REDACTED]

Many thanks for preparing the outcome letter.

I've made a couple of suggestions which you'll find either in track changes or in comments in TRIM. Any queries about my suggestions or if you'd like to discuss, just let me know.

Once you've finalised the letter, please feel free to send to [REDACTED] for her clearance. Please note:

- > You'll need to include in the subject line of the covering email 'FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042'.
- > Make sure you email DL-[REDACTED] & Assistant, and please copy in [REDACTED] and me.
- > Indicate in the covering email that:
 - o After discussing the broadcast as a team, we considered an outcome letter would be appropriate as we felt the moderator was very even-handed in his treatment of the panellists and the various positions they reflected.
 - o The consideration level is EM/GM.
 - o As we have dealt with this investigation by way of outcome letter, we do not propose to publish the letter on the website. We will however provide the ABC with a copy.
 - o [REDACTED] to let us know if she has any queries or would like to discuss.

Thanks again [REDACTED]

[REDACTED]

[REDACTED]
Broadcasting Investigations Section

Australian Communications and Media Authority
T +61 2 9334 [REDACTED]
E [REDACTED]@acma.gov.au
www.acma.gov.au



communicating | facilitating | regulating

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, 16 July 2013 11:46 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

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Title : Outcome letter to Mr Wilson DRAFT



17 July 2013

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ACMA2013/794 – Investigation 3042

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This letter is to inform you that the ACMA has finalised its investigation and determined that the ~~ABC Broadcast~~ did not breach the impartiality and diversity of perspectives provisions - standards, 4.1, 4.3, 4.4 ~~or and~~ 4.5 of the *ABC Code of Practice 2011* (Code) in respect of the broadcast.

The key reasons for the investigation findings are outlined below.

Your complaint to the ABC was that the ~~b~~Broadcast 'demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott'. In your subsequent complaint to the ACMA, you referenced standards, 4.1, 4.3, 4.4 and 4.5, of the Code:

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Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

**Australian
Communications
and Media Authority**

Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW 2009

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
1800 226 667
F +61 2 9334 7799

www.acma.gov.au

Comment [REDACTED] Hi [REDACTED] is it worth indicating that our investigation included viewing the entire broadcast?
[REDACTED]

The panellists for the ~~b~~Broadcast were: Chris Evans, Labor Senator for Western Australia; George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the ~~IPA Review~~.

The discussion covered topics including: anti-discrimination laws; racism and social media; the Labor Government's mining tax; the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

In your complaints to the ABC and the ACMA, you submitted that Mr Jones 'made persistent snide comments on and mockery of comments and responses made by Brandis and IPA representative, James Patterson on practically every topic discussed' at the same time as 'failing to direct even the most modest scrutiny of, or challenge to, Labor's position on these matters as expressed by Chris Evans'.

In deciding whether the ABC has complied with its obligations under standard 4.1 in respect of a particular broadcast, the ACMA generally has regard to a range of considerations. For your reference, these considerations are included as an attachment to this letter.

Comment [REDACTED] Hi [REDACTED] have suggested including the meta-principles. What do you think? [REDACTED]

The ACMA ~~considers~~ examines that the manner in which ~~a report~~ material is presented or reported as this can influence the conclusions that a viewer would draw from a broadcast. The host has a pivotal role in panel programs of this kind as ~~it~~ They play a key role in setting the tone of a program through their style and choice of language.

~~Further,~~ the nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

In the case of this broadcast, the ACMA is satisfied that Mr Jones moderated the panel discussion with due impartiality and the panellists were all able to present their respective perspectives. In particular:

- > The ACMA considers that Mr Jones employed the same' tone and manner of interaction with all the panellists – he treated ~~ag~~ with Senator Brandis and Mr Paterson the same way as he treated Senator Evans.
- > ~~did not alter when he interacted with Senator Brandis and Mr Patterson.~~ Mr Jones asked challenging questions ~~to~~ of both Senators Evans and Brandis about their respective party's policies and leaders.
- > All panellists were given an opportunity to present their perspectives and to respond to questions.

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~~There is no evidence to suggest that the host conveyed a prejudgement or gave effect to his affections or enmities in respect of the Liberal Party.~~

Comment [REDACTED] Hi [REDACTED] is this correct? [REDACTED]

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While I ~~understand~~ appreciate your concerns about the ~~b~~Broadcast, the ACMA has found that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code for the reasons outlined above.

The ACMA treats all broadcasting complaints seriously, and aims to thoroughly and impartially investigate complaints in a timely manner. However, if you are concerned with the ACMA's investigation of your complaint, you may wish to make a complaint to the Office of the Commonwealth Ombudsman. The Ombudsman can investigate complaints about the administrative actions and decisions of commonwealth government agencies, including the ACMA.

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Field Code Changed

|

**Australian
Communications
and Media Authority**

www.acma.gov.au

Thank you for bringing your concerns to the ACMA.

Yours sincerely,

[REDACTED]

Executive Manager
Content [and](#) Consumer Branch

Encl: ABC Code of Practice [2011](#)

Australian
Communications
and Media Authority
www.acma.gov.au

Comment [REDACTED] Hi [REDACTED] are we intending to enclose the code? (I'm not sure we need to: the complainant took umbrage when the ABC sent him a link to the code ...) [REDACTED]

From: [REDACTED]
Sent: Wednesday, 17 July 2013 9:41 AM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]; [REDACTED]
Subject: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Please see this draft outcome letter for your review [ED13/97502](#). The consideration level is EM/GM.

In summary, the complaint was that Tony Jones had been biased towards the Labor Senator and against the Coalition in a *Q and A* program. The complainant cited *ABC Code of Practice 2011* standards 4.1, 4.3, 4.4 and 4.5 in his complaints to the ABC and the ACMA ([ED13/59913](#) – includes ABC complaint correspondence).

After discussing the broadcast as a team, we considered an outcome letter would be appropriate as we felt the moderator was very even-handed in his treatment of the panellists and the various positions they reflected.

As we have dealt with this investigation by way of outcome letter, we do not propose to publish the letter on the website. We will however provide the ABC with a copy.

Happy to discuss.

Regards,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority
T +61 2 9334 [REDACTED] F +61 2 9334 7799
E [REDACTED] [acma.gov.au](mailto:[REDACTED]@acma.gov.au)
www.acma.gov.au



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17 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

Dear Mr Wilson,

Re: Investigation – Q & A broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating your complaint about the ABC TV's program *Q & A* broadcast on 11 February 2013.

This letter is to inform you that the ACMA has finalised its investigation and determined that the ABC did not breach the impartiality and diversity of perspectives provisions - standards, 4.1, 4.3, 4.4 and 4.5 - of the *ABC Code of Practice 2011* (Code) in respect of the broadcast.

The key reasons for the investigation findings are outlined below.

Your complaint to the ABC was that the broadcast 'demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott'. In your subsequent complaint to the ACMA, you referenced standards 4.1, 4.3, 4.4 and 4.5 of the Code:

Standard 4 – Impartiality and diversity of perspectives

- 4.1** Gather and present news and information with due impartiality.
- 4.3** Do not state or imply that any perspective is the editorial perspective of the ABC. The ABC takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of speech and religion, parliamentary democracy and equality of opportunity.
- 4.4** Do not misrepresent any perspective.
- 4.5** Do not unduly favour one perspective over another.

Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

The panellists for the broadcast were: the Hon Chris Evans, Labor Senator for Western Australia; Senator the Hon George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the *IPA Review*.

**Australian
Communications
and Media Authority**

Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW 2009

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
1800 226 667
F +61 2 9334 7799

www.acma.gov.au

The discussion covered topics including: anti-discrimination laws; racism and social media; the Labor Government's mining tax; the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

In your complaints to the ABC and the ACMA, you submitted that Mr Jones 'made persistent snide comments on and mockery of comments and responses made by Brandis and IPA representative, James Patterson on practically every topic discussed' at the same time as 'failing to direct even the most modest scrutiny of, or challenge to, Labor's position on these matters as expressed by Chris Evans'.

The ACMA examines the manner in which material is presented or reported as this can influence the conclusions that a viewer would draw from a broadcast. The host has a pivotal role in panel programs of this kind as they play a key role in setting the tone of a program through their style and choice of language.

The nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

In the case of this broadcast, the ACMA is satisfied that Mr Jones moderated the panel discussion with due impartiality and the panellists were all able to present their respective perspectives. In particular:


- > Mr Jones employed the same tone and manner of interaction with all the panellists – he treated Senator Brandis and Mr Paterson the same way as he treated Senator Evans.
- > Mr Jones asked challenging questions of both Senators Evans and Brandis about their respective party's policies and leaders.
- > All panellists were given an opportunity to present their perspectives and to respond to questions.

While I appreciate your concerns about the broadcast, the ACMA has found that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code for the reasons outlined above.

The ACMA treats all broadcasting complaints seriously, and aims to thoroughly and impartially investigate complaints in a timely manner. However, if you are concerned with the ACMA's investigation of your complaint, you may wish to make a complaint to the Office of the Commonwealth Ombudsman. The Ombudsman can investigate complaints about the administrative actions and decisions of commonwealth government agencies, including the ACMA.

Information on the role of the Ombudsman and its complaint procedures is available on the Ombudsman's website at www.ombudsman.gov.au, alternatively the Ombudsman can be contacted by telephone on 1300 362 072.

Thank you for bringing your concerns to the ACMA.
Yours sincerely,


Executive Manager
Content and Consumer Branch

← **Aust**
Com
and I **Formatted:** Space After: 0 pt, Line
spacing: single
www.acma.gov.au

From: [REDACTED]
Sent: Thursday, 18 July 2013 10:33 AM
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: RE: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]
Attachments: 2013.794.pdf

Hi [REDACTED]
[REDACTED] has signed the attached letter. Please advise whether I should mail this letter from here and if any other corroboration should be with it.
Alternatively I'll pop it in the overnight bag to you. I have not trimmed.

From: [REDACTED]
Sent: Wednesday, 17 July 2013 9:41 AM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]; [REDACTED]
Subject: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Please see this draft outcome letter for your review [ED13/97502](#). The consideration level is EM/GM.

In summary, the complaint was that Tony Jones had been biased towards the Labor Senator and against the Coalition in a *Q and A* program. The complainant cited *ABC Code of Practice 2011* standards 4.1, 4.3, 4.4 and 4.5 in his complaints to the ABC and the ACMA ([ED13/59913](#) – includes ABC complaint correspondence).

After discussing the broadcast as a team, we considered an outcome letter would be appropriate as we felt the moderator was very even-handed in his treatment of the panellists and the various positions they reflected.

As we have dealt with this investigation by way of outcome letter, we do not propose to publish the letter on the website. We will however provide the ABC with a copy.

Happy to discuss.

Regards,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority
T +61 2 9334 [REDACTED] F +61 2 9334 7799
E [REDACTED] [acma.gov.au](mailto:[REDACTED]@acma.gov.au)
www.acma.gov.au



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18 July 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

Dear Mr Wilson

Re: Investigation – Q & A broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating your complaint about the ABC TV's program Q & A broadcast on 11 February 2013.

This letter is to inform you that the ACMA has finalised its investigation and determined that the ABC did not breach the impartiality and diversity of perspectives provisions - standards, 4.1, 4.3, 4.4 and 4.5 - of the *ABC Code of Practice 2011* (Code) in respect of the broadcast.

The key reasons for the investigation findings are outlined below.

Your complaint to the ABC was that the broadcast 'demonstrated extreme, overt and consistent bias against the Coalition and Tony Abbott'. In your subsequent complaint to the ACMA, you referenced standards 4.1, 4.3, 4.4 and 4.5 of the Code:

Standard 4 – Impartiality and diversity of perspectives

- 4.1 Gather and present news and information with due impartiality.
- 4.3 Do not state or imply that any perspective is the editorial perspective of the ABC. The ABC takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of speech and religion, parliamentary democracy and equality of opportunity.
- 4.4 Do not misrepresent any perspective.
- 4.5 Do not unduly favour one perspective over another.

Q and A is a 60 minute current affairs program hosted by Mr Tony Jones, where invited panellists and audience participants discuss current issues and events.

The panellists for the broadcast were: the Hon Chris Evans, Labor Senator for Western Australia; Senator the Hon George Brandis, Shadow Attorney General; comedian Corinne Grant; author Rachel Botsman; and James Paterson, editor of the *IPA Review*.

The discussion covered topics including: anti-discrimination laws; racism and social media; the Labor Government's mining tax; the Coalition's policy proposal development in Far North Queensland and the Northern Territory; and whether Tony Abbott is accessible to the media.

In your complaints to the ABC and the ACMA, you submitted that Mr Jones 'made persistent snide comments on and mockery of comments and responses made by Brandis and IPA representative, James Patterson on practically every topic discussed' at the same time as 'failing to direct even the most modest scrutiny of, or challenge to, Labor's position on these matters as expressed by Chris Evans'.

The ACMA examines the manner in which material is presented or reported as this can influence the conclusions that a viewer would draw from a broadcast. The host has a pivotal role in panel programs of this kind as they play a key role in setting the tone of a program through their style and choice of language.

The nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

In the case of this broadcast, the ACMA is satisfied that Mr Jones moderated the panel discussion with due impartiality and the panellists were all able to present their respective perspectives. In particular:

- > Mr Jones employed the same tone and manner of interaction with all the panellists – he treated Senator Brandis and Mr Paterson the same way as he treated Senator Evans.
- > Mr Jones asked challenging questions of both Senators Evans and Brandis about their respective party's policies and leaders.
- > All panellists were given an opportunity to present their perspectives and to respond to questions.

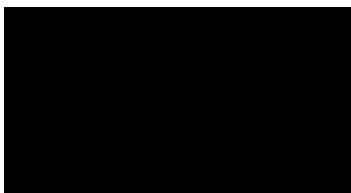
While I appreciate your concerns about the broadcast, the ACMA has found that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the Code for the reasons outlined above.

The ACMA treats all broadcasting complaints seriously, and aims to thoroughly and impartially investigate complaints in a timely manner. However, if you are concerned with the ACMA's investigation of your complaint, you may wish to make a complaint to the Office of the Commonwealth Ombudsman. The Ombudsman can investigate complaints about the administrative actions and decisions of commonwealth government agencies, including the ACMA.

Information on the role of the Ombudsman and its complaint procedures is available on the Ombudsman's website at www.ombudsman.gov.au, alternatively the Ombudsman can be contacted by telephone on 1300 362 072.

Thank you for bringing your concerns to the ACMA.

Yours sincerely



Executive Manager
Content and Consumer Branch

From: [REDACTED]
Sent: Thursday, 18 July 2013 10:35 AM
To: [REDACTED]
Subject: RE: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]

Thank [REDACTED] It's probably easiest if you send it to him and I'll save it on Trim.

Cheers,

[REDACTED]

From: [REDACTED]
Sent: Thursday, 18 July 2013 10:33 AM
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]
Subject: RE: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]

Hi [REDACTED]

[REDACTED] has signed the attached letter. Please advise whether I should mail this letter from here and if any other corro should be with it.

Alternatively I'll pop it in the overnight bag to you. I have not trimmed.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 17 July 2013 9:41 AM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]; [REDACTED]
Subject: FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Please see this draft outcome letter for your review [ED13/97502](#). The consideration level is EM/GM.

In summary, the complaint was that Tony Jones had been biased towards the Labor Senator and against the Coalition in a *Q and A* program. The complainant cited *ABC Code of Practice 2011* standards 4.1, 4.3, 4.4 and 4.5 in his complaints to the ABC and the ACMA ([ED13/59913](#) - includes ABC complaint correspondence).

After discussing the broadcast as a team, we considered an outcome letter would be appropriate as we felt the moderator was very even-handed in his treatment of the panellists and the various positions they reflected.

As we have dealt with this investigation by way of outcome letter, we do not propose to publish the letter on the website. We will however provide the ABC with a copy.

Happy to discuss.

Regards,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority
T +61 2 9334 [REDACTED] F +61 2 9334 7799
E [REDACTED] acma.gov.au



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From: [REDACTED]
Sent: Thursday, 18 July 2013 10:50 AM
To: [REDACTED]
Subject: ACMA Investigation 23306 - Q and A - 11 February 2013. [SEC=UNCLASSIFIED]
Attachments: Letter to G Wilson 18 July 13.pdf

ACMA reference: 2013/794 Investigation 23306

Dear [REDACTED]

Investigation—Q and A broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating Mr Wilson's complaint about the above program.

The ACMA has determined that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the *ABC Code of Practice 2011*.

I **attach**, for information, a copy of the ACMA's letter to Mr Wilson advising him of the outcome.

Thank you for your co-operation in this matter.

The ACMA does not intend to publish the attached letter on our website.

Please contact me on the details below if you have any questions.

Regards,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority

T +61 2 9334 [REDACTED] F +61 2 9334 7799

E [REDACTED] [acma.gov.au](mailto:[REDACTED]@acma.gov.au)

www.acma.gov.au



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From: [REDACTED]
Sent: Monday, 22 July 2013 11:23 AM
To: [REDACTED]
Subject: FW: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

From: [REDACTED]
Sent: Tuesday, 16 July 2013 3:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Hi [REDACTED]

Many thanks for preparing the outcome letter.

I've made a couple of suggestions which you'll find either in track changes or in comments in TRIM. Any queries about my suggestions or if you'd like to discuss, just let me know.

Once you've finalised the letter, please feel free to send to [REDACTED] for her clearance. Please note:

- > You'll need to include in the subject line of the covering email 'FOR CLEARANCE by midday Thursday 18 July: outcome letter for investigation number 3042'.
- > Make sure you email DL-[REDACTED] & Assistant, and please copy in [REDACTED] and me.
- > Indicate in the covering email that:
 - o After discussing the broadcast as a team, we considered an outcome letter would be appropriate as we felt the moderator was very even-handed in his treatment of the panellists and the various positions they reflected.
 - o The consideration level is EM/GM.
 - o As we have dealt with this investigation by way of outcome letter, we do not propose to publish the letter on the website. We will however provide the ABC with a copy.
 - o Kath's to let us know if she has any queries or would like to discuss.

Thanks again [REDACTED]

[REDACTED]

[REDACTED]
Broadcasting Investigations Section

Australian Communications and Media Authority

T +61 2 9334 [REDACTED]

E [REDACTED][acma.gov.au](mailto:[REDACTED]@acma.gov.au)

www.acma.gov.au



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-----Original Message-----

From: [REDACTED] [REDACTED]

Sent: Tuesday, 16 July 2013 11:46 AM

To: [REDACTED] [REDACTED]

Cc: [REDACTED] [REDACTED]

Subject: Investigation 23306TRIM ACMA ELECTRONIC DOCUMENT : ED13/97502 : Outcome letter to Mr Wilson DRAFT [SEC=UNCLASSIFIED]

Hi [REDACTED]

Please see attached draft outcome letter for the Wilson complaint for your review.

The NIB stated it was for EM/GM consideration so the letter has been drafted for [REDACTED] to sign.

It has been cleared through [REDACTED]

Happy to answer any questions/queries.

Cheers,

-----< TRIM Record Information >-----

Record Number : ED13/97502

Title : Outcome letter to Mr Wilson DRAFT

From: [REDACTED] [REDACTED] [REDACTED]@abc.net.au]
Sent: Monday, 22 July 2013 2:58 PM
To: [REDACTED]
Subject: RE: ACMA Investigation 23306 - Q and A - 11 February 2013. [SEC=UNCLASSIFIED]

Received, thanks.

From: [REDACTED] [REDACTED] [mailto:[REDACTED]@acma.gov.au]
Sent: Thursday, 18 July 2013 10:50 AM
To: [REDACTED]
Subject: ACMA Investigation 23306 - Q and A - 11 February 2013. [SEC=UNCLASSIFIED]

ACMA reference: 2013/794 Investigation 23306

Dear [REDACTED],

Investigation—Q and A broadcast by ABQ Brisbane on 11 February 2013

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating Mr Wilson's complaint about the above program.

The ACMA has determined that the ABC did not breach standards 4.1, 4.3, 4.4 and 4.5 of the *ABC Code of Practice 2011*.

I **attach**, for information, a copy of the ACMA's letter to Mr Wilson advising him of the outcome.

Thank you for your co-operation in this matter.

The ACMA does not intend to publish the attached letter on our website.

Please contact me on the details below if you have any questions.

Regards,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority
T +61 2 9334 [REDACTED] F +61 2 9334 7799
E [REDACTED]@acma.gov.au
www.acma.gov.au



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-

Please consider the environment before printing this e-mail.

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INVESTIGATION 3042 CLOSURE CHECKLIST

DOCUMENT 36

AIMS	
Broadcast Complaints module (C 23306)	
'Status' shows 'Referred for investigation'?	Y
Complainant details correct/current?	Y
Broadcaster entry reflects broadcaster investigated?	Y
'Related Code of Practice/Condition/Act(s)' entry reflects provisions investigated?	Y
'Complaint subject' entry is complete?	Y
Broadcast Investigations module (3042)	
Investigation type correct?	Y
Program name correct?	Y
Program type correct?	Y
Date of broadcast correct?	Y
'Decision Maker' entry reflects investigation process?	Y
'Investigation completed' action entered?	Y
Breach boxes ticked?	N/A
'Related Materials' entry shows CDs/DVDs (and/or any other non-TRIMmable material) relevant to the investigation?	N/A
'Description' entry at 'Details/Outcome' tab accords with protocol?	Y
'Date finalised' at 'Details/Outcome' tab entry correct?	Y
'Outcome code' entry correct?	Y
'Summary' entry at 'Details/Outcome' tab accords with protocol?	Y
'Create Compliance and Enforcement' entries complete?	N/A
TRIM (ACMA2013/794)	
File title includes call sign, program name (or issue), complainant's name and AIMS investigation number?	Y
Investigation file contains complaint?	Y
Scanned signed pdf version of outcome letter in investigation container?	Y
Scanned signed pdf version of outcome letter also stored in ACMA2013/17-3?	Y
Word version of outcome letter also stored in ACMA2013/17-3?	Y
Investigation file contains electronic copy of broadcast?	Y
PR record of CD/DVD in investigation container?	N
CD/DVD sent to Records?	N/A
AIMS shows CD/DVD location as 'Records' and date sent?	N/A
Paper signed report placed in white folder?	Y
Investigation file contains email to Authority Secretariat with ACMA papers attached?	N/A
ACMA papers stored in ACMA2009/2464?	N/A
Legal advice/s also stored subfolder in ACMA2008/2558?	N/A
Investigation file contains media release?	N/A
Investigation file contains s.180 / publication decision?	Y
Question & Answer document stored in ACMA2011/2012?	N/A
Investigation file contains acceptance decision on compliance/enforcement action?	N/A
Investigation file contains all other documents relevant to the investigation?	Y
All documents in investigation container declared as final?	Y
(8 weeks later) Other paper copies disposed of securely?	

Filling out these rows will normally require liaison with case officers (to be done within 7 working days of date of finalisation)

For breach investigations, these rows cannot normally be filled out within 7 working days of date of finalisation, and will be filled out progressively as post-finalisation actions take place

██████████ ██████████
From: ██████████ ██████████
Sent: Friday, 2 August 2013 11:12 AM
To: ██████████ ██████████
Subject: Letter received Greg Wilson [SEC=UNCLASSIFIED]
Attachments: 20130802110943556.pdf

Hiya

The attached letter was received today which I believe is for you.
I'll give you the original.
Not saved in trim.

██████████

-----Original Message-----

From: MEL4301
Sent: Friday, 2 August 2013 11:10 AM
To: ██████████ ██████████
Subject:

This E-mail was sent from "mel4301" (Aficio MP C4500).

Scan Date: 02.08.2013 11:09:43 (+1000)
Queries to: mel4301@acma.gov.au

2 AUG 2013

GREG WILSON

Villa 3 - Moreton View Tower & Villas
42 Ferry St, Kangaroo Point
Brisbane, QLD 4169

AUSTRALIA

Tel: (07) 3217 4759

Mob: 0414 233 971

Email: gwequis@inet.net.au

29 July 2013

[REDACTED]
Executive Manager
Content & Consumer Branch
ACMA
P O Box Q500
Queen Victoria Building
SYDNEY NSW 1230

Dear [REDACTED]

ACMA file reference: ACMA2013/794 Investigation 3042

(Previous Reference ACMA2013/4-2 C 23306)

Q & A – ABC – 11 February 2013

I acknowledge receipt of your letter of 18 July advising, in summary, that following your investigation *"the ACMA is satisfied that Mr Jones moderated the panel discussion with due impartiality and the panelists were all able to present their respective perspectives."* You then cite the three particular grounds from which ACMA's investigations drew this conclusion and on the strength of these determinations conclude that consequently *"the ABC did not breach [the] standards [that were the basis of my complaint]"*.

From my reading of your response, the ACMA conclusion seems to be based on what your investigation has apparently satisfied itself as being three incontrovertible premises, i.e.:

- Mr Jones employed the same tone and manner of interaction with all the panelists – he treated Senator Brandis and Mr Paterson the same way as he treated Senator Evans.
- Mr Jones asked challenging questions of both Senators Evans and Brandis about their respective party's policies and leaders.
- All panelists were given an opportunity to present their perspectives and to respond to questions.

The problem for me here is that the "conclusion" ACMA has reached is (I am sure you will agree) only as reasonable as the accuracy and integrity of the three stated premises on which it is based. If the premises are flawed then so is the conclusion.

Obviously, given my original complaint, I find it exceptionally difficult to see how any professional and objective investigator could credibly arrive at the three premises that ACMA has adopted as fact, so I'm hoping you will be able to help me understand the investigation procedures you employ in a situation like this to ensure objectivity and avoid confirmation bias.

This isn't a matter of taking issue with your conclusion: it's a matter of trying to better understand how your conclusion has been reached before I determine whether the matter should be referred to the Commonwealth Ombudsman.

I look forward to hearing further from you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Greg Wilson', with a long horizontal stroke extending to the right.

GREG WILSON

From: [REDACTED]
Sent: Friday, 2 August 2013 11:16 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Letter received Greg Wilson [SEC=UNCLASSIFIED]
Attachments: 20130802110943556.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED]

I think this one might be yours?

Cheers

AD

-----Original Message-----

From: [REDACTED]
Sent: Friday, 2 August 2013 11:12 AM
To: [REDACTED]
Subject: Letter received Greg Wilson [SEC=UNCLASSIFIED]

Hiya

The attached letter was received today which I believe is for you.
I'll give you the original.
Not saved in trim.

-----Original Message-----

From: MEL4301
Sent: Friday, 2 August 2013 11:10 AM
To: [REDACTED]
Subject:

This E-mail was sent from "mel4301" (Aficio MP C4500).

Scan Date: 02.08.2013 11:09:43 (+1000)

Queries to: mel4301@acma.gov.au

From: [REDACTED]
Sent: Friday, 2 August 2013 11:27 AM
To: [REDACTED]
Subject: RE: Letter received Greg Wilson [SEC=UNCLASSIFIED]

Ta - yes indeed it is!

-----Original Message-----

From: [REDACTED]
Sent: Friday, 2 August 2013 11:16 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Letter received Greg Wilson [SEC=UNCLASSIFIED]

Hi [REDACTED]

I think this one might be yours?

Cheers

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: Friday, 2 August 2013 11:12 AM
To: [REDACTED]
Subject: Letter received Greg Wilson [SEC=UNCLASSIFIED]

Hiya

The attached letter was received today which I believe is for you.
I'll give you the original.
Not saved in trim.

[REDACTED]

-----Original Message-----

From: MEL4301
Sent: Friday, 2 August 2013 11:10 AM
To: [REDACTED]
Subject:

This E-mail was sent from "mel4301" (Aficio MP C4500).

Scan Date: 02.08.2013 11:09:43 (+1000)
Queries to: mel4301@acma.gov.au

██████████ ██████████
From: ██████████ ██████████
Sent: Friday, 2 August 2013 11:30 AM
To: ██████████ ██████████
Subject: FW: Letter received Greg Wilson [SEC=UNCLASSIFIED]
Attachments: 20130802110943556.pdf

Hi ██████████

When you have a sec, would be great to have a quick chat about how to respond to this,

Cheers,

██████████

-----Original Message-----

From: ██████████ ██████████
Sent: Friday, 2 August 2013 11:16 AM
To: ██████████ ██████████
Cc: ██████████ ██████████
Subject: FW: Letter received Greg Wilson [SEC=UNCLASSIFIED]

Hi ██████████

I think this one might be yours?

Cheers

██████████

-----Original Message-----

From: ██████████ ██████████
Sent: Friday, 2 August 2013 11:12 AM
To: ██████████ ██████████
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I'll give you the original.

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██████████

-----Original Message-----

From: MEL4301
Sent: Friday, 2 August 2013 11:10 AM
To: ██████████ ██████████
Subject:

This E-mail was sent from "mel4301" (Aficio MP C4500).

Scan Date: 02.08.2013 11:09:43 (+1000)

Queries to: mel4301@acma.gov.au

From: [REDACTED]
Sent: Tuesday, 6 August 2013 1:24 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft post-outcome letter to complainant - Q and A Investigation 3042
[SEC=UNCLASSIFIED]
Attachments: Post Decision letter from C.PDF; Outcome letter to Mr Wilson (signed).pdf

Dear [REDACTED]

Please see attached letter that [REDACTED] received from Mr Wilson on 2 August 2013.

It was in response to the outcome letter for Investigation 3042 (also attached) – complaint that Tony Jones had been biased against the Coalition in *Q and A* broadcast 11/2/13 – no breach re standards 4.1, 4.3, 4.4 and 4.5.

I've drafted a response for your to consider (it's been cleared by [REDACTED] [ED13/117310](#)).

Happy to discuss.

Cheers,

[REDACTED]
Investigations Officer
Broadcasting Investigations

Australian Communications and Media Authority
T +61 2 9334 [REDACTED] F +61 2 9334 7799
E [REDACTED] [acma.gov.au](mailto:[REDACTED]@acma.gov.au)
www.acma.gov.au



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ABC Code – 4.1 - impartiality

In determining whether or not material complained of is compliant with the ABC's obligations under standard 4.1 of the Code, the ACMA generally has regard to the following considerations:

- The meaning conveyed by the relevant material is assessed according to what an ordinary reasonable viewer would have understood the program concerned to have conveyed.
- Achieving impartiality requires a broadcaster to present content in a way which avoids conveying a prejudgement, or giving effect to the affections or enmities of the presenter or reporter in respect of what is broadcast. In this regard:
 - The ACMA applies the ordinary English meaning of the word 'impartial' in interpreting the Code. The *Macquarie Dictionary* (Fifth Edition)¹ defines 'impartial' as: 'not partial; unbiased; just'. It defines 'partial' to include: 'biased or prejudiced in favour of a person, group, side, etc., as in a controversy'. 'Bias' is defined as: 'a particular tendency or inclination, especially one which prevents unprejudiced consideration of a question'.
 - The ACMA considers that a helpful explanation of the ordinary English usage of the term 'bias' is set out by Hayne J in *Minister for Immigration and Multicultural Affairs v Jia Legeng*² as follows:

'Bias' is used to indicate some preponderating disposition or tendency, a 'propensity; predisposition towards; predilection; prejudice'.³ It may be occasioned by interest in the outcome, by affection or enmity, or, as was said to be the case here, by prejudgement. Whatever its cause, the result that is asserted or feared is a deviation from the true course of decision-making, for bias is 'anything which turns a man to a particular course, or gives the direction to his measures'.
- The relevant provision 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: for example, the gathering and presentation of factual information for a news bulletin may be materially different from an interview of a political figure, where challenging questions are ordinarily appropriate.
- A program that presents a perspective that is opposed by a particular person or group is not inherently partial. Whether a breach of the Code has occurred will depend on the themes of the program, any editorial comment, the overall presentation of the story and the circumstances in which the program was prepared and broadcast.
- Presenters and reporters can play a key role in setting the tone of a program through their style and choice of language. The manner in which a report is presented or reported can influence the conclusions that an ordinary reasonable listener would draw from a broadcast.
- The nature of current affairs reporting requires reporters and presenters to be questioning, and at times sceptical, in their analysis of important issues. However, while probing and challenging questions may be used to explore an issue, programs must demonstrate a willingness to include alternative perspectives without prejudgement.

¹ Online edition at <http://www.macquariedictionary.com.au>

² (2001) 205 CLR 507 at 563 [183] Gleeson CJ and Gummow J at 538 [100] agreeing.

³ *Oxford English Dictionary* (Second Edition), meaning 3(a).

From: [REDACTED]
Sent: Monday, 12 August 2013 3:03 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft post-outcome letter to complainant - Q and A Investigation 3042 [SEC=UNCLASSIFIED]

Hi [REDACTED]

Many thanks for a truly superb letter.

I've made three small suggestions in TRIM – inserted reference to viewing the broadcast as a team in two places, and suggested removing a paragraph reproduced from Mr Wilson's letter. Just let me know if you have any queries about my suggestions.

Has [REDACTED] given us the go ahead to respond at a section level? Even if she has, I'm inclined to run our proposed letter by her (I'm being very open about our WIM group viewing of broadcasts but I'd like to make sure that [REDACTED] has no reservations about this openness ...)

Are you happy to run past [REDACTED] with the same attachments you sent me? (our outcome letter and Mr Wilson's letter dated 29 July).

Thanks again [REDACTED]

[REDACTED]

[REDACTED]
Broadcasting Investigations Section

Australian Communications and Media Authority
T +61 2 9334 [REDACTED]
E [REDACTED] [acma.gov.au](mailto:[REDACTED]@acma.gov.au)
www.acma.gov.au



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From: [REDACTED]
Sent: Tuesday, 6 August 2013 1:24 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft post-outcome letter to complainant - Q and A Investigation 3042 [SEC=UNCLASSIFIED]

Dear [REDACTED]

Please see attached letter that [REDACTED] received from Mr Wilson on 2 August 2013.

It was in response to the outcome letter for Investigation 3042 (also attached) – complaint that Tony Jones had been biased against the Coalition in *Q and A* broadcast 11/2/13 – no breach re standards 4.1, 4.3, 4.4 and 4.5.

I've drafted a response for your to consider (it's been cleared by [REDACTED] [ED13/117310](#)).

Happy to discuss.

Cheers,

[REDACTED]
Investigations Officer
Broadcasting Investigations

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From: [REDACTED]
Sent: Monday, 12 August 2013 3:29 PM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]
Subject: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]
Attachments: Outcome letter to Mr Wilson (signed).PDF; Post Decision letter from Mr Wilson.PDF

Dear [REDACTED]

We've drafted a letter for Mr Wilson (at [ED13/117310](#)), responding to his post-decision letter to you received on 2 August 2013 (attached).

The letter is drafted for [REDACTED] to sign and has been cleared by [REDACTED] and [REDACTED]

We just wanted to check that you were happy with the content and for [REDACTED] to respond on your behalf.

Mr Wilson was writing in response to the outcome letter for Investigation 3042 (also attached) – complaint that Tony Jones had been biased against the Coalition in *Q and A* broadcast 11/2/13 – no breach re standards 4.1, 4.3, 4.4 and 4.5.

Happy to discuss.

Regards,

[REDACTED]
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From: [REDACTED]
Sent: Monday, 12 August 2013 3:47 PM
To: [REDACTED]
Subject: RE: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

Beautiful! Thanks [REDACTED]

From: [REDACTED]
Sent: Monday, 12 August 2013 3:29 PM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]
Subject: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

Dear [REDACTED]

We've drafted a letter for Mr Wilson (at [ED13/117310](#)), responding to his post-decision letter to you received on 2 August 2013 (attached).

The letter is drafted for [REDACTED] to sign and has been cleared by [REDACTED] and [REDACTED]

We just wanted to check that you were happy with the content and for [REDACTED] to respond on your behalf.

Mr Wilson was writing in response to the outcome letter for Investigation 3042 (also attached) – complaint that Tony Jones had been biased against the Coalition in *Q and A* broadcast 11/2/13 – no breach re standards 4.1, 4.3, 4.4 and 4.5.

Happy to discuss.

Regards,

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From: [REDACTED]
Sent: Monday, 12 August 2013 3:49 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

Thanks [REDACTED]

I am very happy with the content and content for [REDACTED] to sign and send.

From: [REDACTED]
Sent: Monday, 12 August 2013 3:29 PM
To: DL - [REDACTED] & Assistant
Cc: [REDACTED]
Subject: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

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Happy to discuss.

Regards,

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www.acma.gov.au



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From: [REDACTED]
Sent: Monday, 12 August 2013 3:54 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

Hi [REDACTED]

I've popped my signature into the letter in TRIM ...

Many thanks for your work on this.

[REDACTED]

From: [REDACTED]
Sent: Monday, 12 August 2013 3:49 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft letter for review - responding to request for information about decision/procedures from complainant [SEC=UNCLASSIFIED]

Thanks [REDACTED]

I am very happy with the content and content for [REDACTED] to sign and send.

[REDACTED]

From: [REDACTED]
Sent: Monday, 12 August 2013 3:29 PM
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Dear [REDACTED]

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12 August 2013

Mr Greg Wilson
Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

ACMA2013/794 – Investigation 3042

Dear Mr Wilson

Re: Investigation – Q & A broadcast by ABQ Brisbane on 11 February 2013

Thank you for your letter of 29 July 2013 to ■■■■■ regarding the outcome of the above investigation.

■■■■■ has asked that I respond to you on her behalf, as I was the manager responsible for overseeing the investigation of your complaint.

I must first advise that there is no formal right to review of a decision made by the ACMA under section 149 of the *Broadcasting Services Act 1992*. However, I can provide you with additional information about our decision-making process.

In response to your query about the investigations procedure we employed, the ACMA considered your complaint in line with our established processes for investigating ABC complaints. The broadcast was viewed by a team of investigators and then discussed by the team in terms of standards 4.1, 4.3, 4.4 and 4.5 of the *ABC Code of Practice 2011* (the Code) and the Principles for impartiality and diversity of perspective in the Code. These Principles include:

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.

[...]

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.

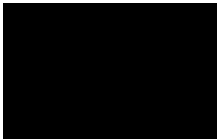
The ACMA's general considerations for standard 4.1 (copy enclosed) also informed the deliberative process.

While I appreciate that you formed a different impression after viewing the broadcast, the Principles themselves recognise that these judgements vary among individuals, which is why we have a team of investigators view and discuss the broadcast as part of our investigative process.

In this case, the ACMA concluded that Mr Jones treated all the panellists fairly and did not display bias, having regard to the Principles outlined above

I trust this letter has answered your queries regarding the ACMA's broadcasting investigation process.

Yours sincerely



Acting Manager,
Broadcasting Investigations Section

Encl: ACMA general considerations for ABC Code 4.1 Impartiality

12 August 2013

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Villa 3, Moreton View Tower & Villas
42 Ferry St
KANGAROO POINT QLD 4169

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Yours sincerely



Acting Manager,
Broadcasting Investigations Section

Encl: ACMA general considerations for ABC Code 4.1 Impartiality

ABC Code – 4.1 - impartiality

In determining whether or not material complained of is compliant with the ABC's obligations under standard 4.1 of the Code, the ACMA generally has regard to the following considerations:

- The meaning conveyed by the relevant material is assessed according to what an ordinary reasonable viewer would have understood the program concerned to have conveyed.
- Achieving impartiality requires a broadcaster to present content in a way which avoids conveying a prejudgement, or giving effect to the affections or enmities of the presenter or reporter in respect of what is broadcast. In this regard:
 - The ACMA applies the ordinary English meaning of the word 'impartial' in interpreting the Code. The *Macquarie Dictionary* (Fifth Edition)¹ defines 'impartial' as: 'not partial; unbiased; just'. It defines 'partial' to include: 'biased or prejudiced in favour of a person, group, side, etc., as in a controversy'. 'Bias' is defined as: 'a particular tendency or inclination, especially one which prevents unprejudiced consideration of a question'.
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'Bias' is used to indicate some preponderating disposition or tendency, a 'propensity; predisposition towards; predilection; prejudice'.³ It may be occasioned by interest in the outcome, by affection or enmity, or, as was said to be the case here, by prejudgement. Whatever its cause, the result that is asserted or feared is a deviation from the true course of decision-making, for bias is 'anything which turns a man to a particular course, or gives the direction to his measures'.
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- A program that presents a perspective that is opposed by a particular person or group is not inherently partial. Whether a breach of the Code has occurred will depend on the themes of the program, any editorial comment, the overall presentation of the story and the circumstances in which the program was prepared and broadcast.
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¹ Online edition at <http://www.macquariedictionary.com.au>

² (2001) 205 CLR 507 at 563 [183] Gleeson CJ and Gummow J at 538 [100] agreeing.

³ *Oxford English Dictionary* (Second Edition), meaning 3(a).