



18 January 2018

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Re: Australian Broadcasting Corporation Amendment (Fair and Balanced) Bill 2017 and Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2017

The National Farmers Federation (NFF) thanks the Senate Standing Committees on Environment and Communications for the opportunity to provide a submission to this inquiry.

This brief submission will address both bills subject to inquiry.

Australian Broadcasting Corporation Amendment (Rural and Regional Measures) Bill 2017

As the peak body representing Australian farmers, we are acutely aware of the integral role the Australian Broadcasting Commission (ABC) plays in the lives of all Australians – particularly rural and regional Australians. In many instances the ABC is one of the only sources of news coverage for rural and remote Australians.

ABC is also one of the only media entities that produces a free dedicated news services to primary industries (there are a number of smaller enterprises that offer email subscription news services that source revenue from advertising). Landline, Country Hour and ABC Rural amongst others are regarded as institutions by many in the sector.

Keeping rural, regional and remote Australians connected also carries significant community benefit. Overall the NFF considers the ABC plays a positive role for regional Australians and the agricultural sector.

In 2014, cuts were made to ABC Rural and Regional services including the decommissioning of the Bush Telegraph radio program as well the closure of five regionally based ABC offices. At the time, the NFF expressed apprehension that services, as well as the priority of regional services within the ABC would diminish.

NFF has since made a number of representations seeking to ensure there were no further cutbacks to regional services and that they remained a priority. Amending the ABC's charter for delivery of services to ensure programs contribute to a sense of regional and national

identity, as well as including geographic diversity are important steps to ensuring regional services are prioritised.

Similarly the NFF considers measures to establish a Regional Advisory Council to advise the ABC Board as well a requirement for two ABC directors have a substantial connection to, or experience in, regional areas should also have a similar positive effect

For these reasons NFF welcomes the regional measures contained in this bill as a means to refocusing and increasing emphasis towards regional services within ABC and is supportive of this bill.

Australian Broadcasting Corporation Amendment (Fair and Balanced) Bill 2017

Australia's agricultural sector, alongside the Australian public, expects journalism that is evidence-based, impartial, ethically responsible and free of political motivation. In the circumstance of the ABC where this journalism is publicly funded it is imperative this standard is met.

Overall the NFF considers it has a positive and enduring working relationship with the ABC and its journalists and highlighted previously we acknowledge the positive role the ABC plays for the sector and regional Australia.

However, there have been a number of recent incidents that have given rise to concerns that reports or activities of the ABC have been motivated to sensationalise and influence, rather than observe, public policy processes and outcomes.

For example, NFF is concerned that the ABC is actively seeking to influence public policy outcomes in its appeal of a decision of the Western Australian (WA) Supreme Court denying it the opportunity to broadcast illegally obtained footage of alleged animal cruelty.

The footage, which was recorded without the property owner's knowledge, originally came to light when it was admitted into evidence in a prosecution brought against the property owner by the RSPCA for animal cruelty. Significantly, the property owner was ultimately acquitted of the charges.

However, without the property owner's knowledge the ABC surreptitiously obtained copies of the footage from the WA Magistrates Court. The ABC then used public resources to apply for orders of the WA Supreme Court which would permit a broadcast of the footage. The ABC argued that the broadcast would be in the public interest as it would inform public debate on proposed amendments to the Animal Welfare Act 2002 (WA) currently being considered by the Western Australian Parliament.

Nevertheless, his honour Justice Chaney denied the ABC's application, finding that broadcasting the illegally obtained footage was not in the public interest and therefore its broadcast was not permitted under the WA surveillance devices legislation.

In his judgment Justice Chaney stated

“I am not satisfied that the publication of the video recordings should be made to protect or further the public interest. That is because I am satisfied that the purpose for which the defendant seeks to utilise the video recordings, including the decision to fairly and accurately describe the proceedings before the magistrate can be adequately achieved by discussion of the evidence adduced in the Magistrate’s Court, as was done in various publications at or shortly after the time of proceedings were dealt with, and that a display of the video recordings is not necessary for that purpose.”

The ABC has now commenced an appeal against Justice Chaney’s decision.

The NFF perceives the ABC’s persistence in appealing the court’s decision, despite the court ruling public debate would not be further informed by broadcasting the footage, as a clear effort to sensationalise and therefore influence public policy on an issue requiring considered and pragmatic discussion. While we recognise the ABC’s legal right (within the rubric of its model litigant obligations) to seek the orders in the first instance and even to appeal the decision, accountability about whether this an appropriate use of public funds must also be considered.

Similarly, on 24 July 2017 4 Corners aired an episode titled ‘Pumped’ outlining issues of compliance with water regulation and the alleged theft of water in the northern Murray-Darling Basin. Further, on 22 and 23 November 2017 the Lateline program aired stories related to the management of water on the Barwon-Darling Rivers. While irrigators have no tolerance for water theft, the NFF is concerned that the 4 Corners program named two specific irrigators, yet did not present conclusive evidence. Determining whether or not theft occurred is rightly the role of the regulators, who we expect to do their job thoroughly. It is not the role of the media.

Of most concern to the NFF and its members was a perceived bias in the reporting of the allegations (which are currently being investigated and still remain allegations) against a few, while continuing to question the integrity, and significantly tarnish, the reputation of all water-users. The choice by the ABC to not present these stories within the context of the wider basin and instead narrow down into one or two areas of the Basin, was in our view, purely in the pursuit of a sensational story. This was further compounded by the continual conclusion that the Basin Plan is failing, based purely on these few stories presented well outside the broader context of the basin as a whole.

The concerns of the NFF are based on a number of factors including:

- That Australia has a world leading water management system which is utilised responsibly by the vast majority of users;
- That the allegations against a few and actions of a Government that fall short of everyone’s expectations were then extrapolated across an entire industry, with conclusion drawn that the vast majority of users are engaging in similar activity; and
- That information provided by irrigation industry interviewees illustrating the broader context of the situation was selectively omitted from these stories.

The examples outlined above are the two most recent but there are numerous other examples that could be cited. In both these circumstances the NFF considers the actions of the ABC to be contrary to facilitating fair and balanced reporting.

To this end the NFF supports extending the statutory duties of the ABC Board to also require the gathering and presentation of news and information to be 'fair' and 'balanced' according to the recognised standards of objective journalism.

Yours sincerely

TONY MAHAR
Chief Executive Officer