

Investigations

in common between Scientologists and Nazism.

In the course of that interview, the compere indicated his agreement with a number of the statements of and views of the interviewee and the general tenor of the whole program appeared to endorse the message conveyed by the interviewee. No opportunity was given for the Church of Scientology to represent its views on that program on that occasion or otherwise prior to the public demonstration against it outside its own premises.

In the 17 September 1995 edition of 'The Liar's Club', the compere followed up the announcement of the demonstration and the interview with the interviewee with a statement that indicated clearly he did not believe the Church of Scientology was entitled to airtime on the program to represent its viewpoint about the demonstration and the interviewee's remarks on 3 September 1995.

Apparently as a result of complaints to the licensee by the Church of Scientology after the 3 September and 17 September programs, the compere interviewed both the interviewee and a spokesperson from the Church of Scientology. In doing so he allowed the Church of Scientology the opportunity to represent a significant viewpoint about the interviewee's criticism within reasonable proximity to the program on which that criticism was voiced (3 September).

Decision and action

The ABA found that 'The Liar's Club' program on 3 September 1995 breached Radio Program Standard 3(b) in respect of its coverage of a discussion about the Church of Scientology and its members.

The ABA did not find that the comments of the interviewee on the 3 September program breached RPS 3(b). However, the ABA considered that, rather than permitting any representation of the Church's view, the compere converted the interviewee's views from being ones which stood alone to ones which had the licensee's apparent support and confirmation through the words of the program compere. This presentation gave the comments a strength which assumed the character of gratuitous vilification on the basis of religion.

The ABA is of the view that a program can gratuitously vilify a group through the mere conduct of a presenter which by implication reinforces vilifying statements made by the interviewee. The ABA is of the view that broadcasters and presenters should generally exercise great care in the treatment of material to be broadcast which is critical of any religion. This does not mean that the ABA considers that broadcasters cannot deal with controversial subjects or ones that may be sensitive to certain groups in the community. It does not mean broadcasters cannot interview persons who hold strong, if not extreme, views about matters of public interest or about certain groups in the community.

It does mean, however, that broadcasters need to ensure that in giving effect to freedom of speech they also exercise the care and integrity this freedom implies.

The ABA also found that Triple R Broadcasters Limited, the licensee of 3RRR Melbourne, had breached the conditions of the licence set out in Clause 5(2) and (3) of Part 2 of Schedule 2 of the *Broadcasting Services Act 1992* by not retaining a copy of 'The Liar's Club' program on 24 September 1995.

The Station Manager of 3RRR advised the ABA that 'the station's logging system malfunctioned at that time (being rather ancient equipment) resulting in the tape twisting and therefore not recording.'

The station was asked to comment on the ABA's draft report before finalising the decision. The Station Manager advised that arrangements had been made to ensure that a back up logging system had been implemented until such time as 3RRR's equipment could be upgraded. The Station Manager also obtained and provided comments from the program's compere.

In providing the report on the final decision to 3RRR, the ABA asked the station management to comment on proposed actions as a result of the breaches. In addition to the action taken to establish a back up logging system, the Station Manager advised that the broadcasters had been suspended for four weeks.

The ABA was also advised that the Program Committee had decided not to continue the program, which had been

under an internal review as part of 3RRR's regular review of its program format, in the new program format.

In view of these steps and the fact that:

- this was the first occasion in which the licensee had been found in breach of these provisions;
- this is the first time the ABA had found a breach of RPS 3(b) in the context of religious vilification so that the licensee did not have the benefit of the ABA's reasoning; and
- the licensee appears to have understood the seriousness of the breach; the ABA decided not to take any further action in relation to the breach.

Eyewitness news segment

The ABA received a complaint regarding a segment of 'Eyewitness News' broadcast by ADS 10 Adelaide.

The complainant alleged that the segment, regarding the removal of aluminium sulphate from drinking water using a carbon filtration appliance, contained incorrect and inaccurate information.

The complainant also alleged that the station had not followed correct complaints handling procedures in dealing with his complaint.

Section 4.3.1 of the Commercial Television Industry Code of Practice states that when broadcasting news and current affairs programs licensees:

4.3.1 must present factual material accurately and represent viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program;

Sections 7.8 and 7.9 of the code are intended to ensure prompt written responses to written complaints. Section 7.8 of the code states:



Where a viewer complains in writing of material within thirty days of its broadcast, the licensee must seek to provide a substantive written response within ten working days. The response will also advise the complainant that he or she may refer the matter to the Australian Broadcasting Authority if not satisfied with the licensee's response.

Section 7.9 of the code states:

When a licensee cannot provide a substantive written response within ten working days, the licensee will undertake in writing to provide a substantive reply within a further 20 working days.

The news report came about as a result of a warning made to state governments by a federally funded research group concerning the possibility of a link between the consumption of aluminium sulphate (which is added to Adelaide tap water in order to make it drinkable) and Alzheimers' Disease. The segment ended with a statement by the reporter that research carried out in the United States had proven that a particular brand of filtering system could cheaply remove the aluminium sulphate from Adelaide tap water. Whilst this statement was being made the reporter was seen leafing through voluminous documentation, there were also several close up shots of certificates and test result sheets from the United States.

The report also featured an interview with a representative from the company whose filtering system was featured in the segment.

To assist the ABA in its assessment of the segment's compliance with the code a copy of the scientific reports and test results shown during the segment was obtained from ADS 10.

Of the sixty-odd pages of documentation provided to the ABA only one page mentioned tests carried out for aluminium sulphate removal and this page was not one of those which was featured in close up during the segment. Furthermore, another section of the documentation clearly stated, 'Laboratory test results can and do vary depending on the water tested and the laboratory used'.

Correspondence from the Trade Practices Commission also revealed that

claims relating to the removal of aluminium sulphate by filtration could not be made with any certainty on a broad basis.

Decision and action

For these reasons the ABA decided that the reporter's claim that research carried out in the United States had proven that a particular brand of filtering system could cheaply remove the aluminium sulphate from Adelaide tap water was not an accurate presentation of factual material and therefore a breach of section 4.3.1 of the code.

The ABA also found that, as ADS 10 had neither responded in writing to the written complaint nor advised the complainant of his right to refer the matter to the ABA, the station's complaints handling procedures had in this instance breached sections 7.8 and 7.9 of the code.

The ABA decided not to take any further action due to the fact that in November 1995 The Ten Group Ltd became the new controller of the license of ADS 10. Subsequently certain measures were put into place at ADS 10 to ensure as far as possible that the requirements of the Code would in future be observed, particularly in relation to news items and complaints handling procedures.

In relation to the news item broadcast by ADS 10 which was the subject of the complaint, the Ten network informed the ABA that firm instructions had been issued to the news department at ADS 10 that in the event of any further news items going to air of a nature similar to the one which was the subject of the complaint, a more balanced approach must be adopted to ensure compliance with the code.

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