



# Investigations

Schimanski's employment after he had made the comments.

In light of this action the ABA decided

not to take the matter further, but placed the licensee on notice that more serious steps may be taken if future similar

breaches of either the code or the conditions of its licence were determined.

## 'Today' Nine Network

### Complaint

In March 1996 the ABA received an unresolved complaint about the 'Today' program broadcast by TCN-9 on 5 February 1996. The complainant alleged that segments in the program breached sections 2 and 4 of the Commercial Television Industry Code of Practice (the code). The complainant was also dissatisfied with the manner in which his complaint had been dealt with by the licensee.

### Relevant codes

Section 2 of the code deals with the classification of programs. Section 2.7 states:

Material which may distress or offend viewers:

Licensees may broadcast a news or current affairs program containing visual or aural material which, in the licensee's reasonable opinion, is likely to seriously distress or offend a substantial number of viewers only if there are identifiable pub-

lic interest reasons for broadcasting the material and if adequate prior warning is given to viewers.

Section 4 of the code deals with news and current affairs programs and states, in part:

4.3 In 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.

Section 7 of the code deals with handling of complaints by licensees. Specifically, s.7.8 provides:

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. That 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.

### Decision

Whilst the ABA found that neither the comments nor the language broadcast were in breach of the code, the ABA determined that the response by TCN 9 to the initial letter of complaint did not comply with the provisions of s.7 of the code. The complaint was not responded to within ten working days, the station's written response was in no way substantive and the did not inform the complainant of their right to refer the matter to the ABA.

### Action taken

As a result of the ABA's findings the executive producer of 'Today' was briefed on the requirements of the code in regards to the handling of complaints. The network has undertaken to ensure that all executive producers are aware of their obligations and to hold a series of seminars for all journalists and production staff regarding complaints handling.

## '6pm News' RTQ Nine

### Complaint

On 12 September 1996 the ABA received an unresolved complaint about a broadcast during the 6 p.m. News by WIN Television Queensland Pty Ltd, licensee of RTQ 9 Regional Queensland.

The complainant alleged that the item about the sentencing of four men for sexual assault was presented in an unfair, biased manner and was racist. In addition, the complainant alleged the station did not reply to the complaint.

### Relevant codes

Section 4 of the Commercial Television Industry Code of Practice states, in part:

4.1 This section is intended to ensure that:

4.1.1 news and current affairs programs are presented accurately and fairly;

4.1.4 news is presented impartially.

Section 7 of the code deals with the handling of complaints by licensees. Section 7.9 of the code provides:

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.

### Decision

In its assessment of the broadcast the ABA did not find that the program been failed to be accurate, fair or

unbiased in its reporting. No spoken references were made to the race of the men and the report outlined the facts of the case and the sentence of the court. However, the ABA found that the licensee had failed to comply with s.7.9 of the code in that it did not respond to the complaint within the required time period.

### Action taken

As a result of the ABA's finding's the station has put in place new complaint handling procedures to ensure that further breaches do not occur. The ABA was satisfied with the action taken by the licensee and decided not to take the matter further on this occasion. 