



TVW 7, STW 9 and NEW 10

Broadcast of advertisements for the WA Department of Productivity and Labour Relations

Complaint

On 13 August 1997 the ABA received a complaint from Mr John Kobelke MLA, Opposition Spokesperson for Labour Relations in Western Australia about the broadcast of advertisements for the WA Department of Productivity and Labour Relations.

The complainant was of the view that the advertisements were 'political matter' and therefore must have the 'required particulars' attached to the advertisement. The required particulars are the authorisation details).

Relevant legislation

Clause 4 of Part 2 of Schedule 2 of the Broadcasting Services Act relates to the identification of certain political matter:

4.(2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must, immediately afterwards, cause the required particulars in relation to the matter to be announced in a form approved in writing by the ABA.

Clause 1 of Part 1 of Schedule 2 states:

'political matter' means any political matter, including the policy launch of a political party; 'required particulars', in relation to a political matter that is broadcast, means:

- (a) if the broadcasting was authorised by a political party:
 - (i) the name of the political party; and
 - (ii) the town, city or suburb in which the principal office of the political party is situated; and
 - (iii) the name of the natural person responsible for giving effect to the authorisation; and
- (b) if the broadcasting of the political matter

was authorised by a person other than a political party:

- (i) the name of the person who authorised the broadcasting of the political matter; and
- (ii) the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office of the person is situated; and
- (c) the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter;

Decision

The ABA determined that the advertisements, all relating to the issue of union member's right to a pre-strike secret ballot contained in the WA Government's industrial relations legislation reforms, were political matter. The advertisements were broadcast without the required particulars attached.

The ABA found that TVW Enterprises Ltd (TVW 7), Swan Television and Radio Broadcasters Pty Ltd (STW 9) and Network Ten (Perth) Ltd (NEW 10) breached clause 4(2) of Part 2 of Schedule 2 of the Act by broadcasting political matter without attaching the required particulars.

Action taken

Both TVW Enterprises Ltd and Network Ten (Perth) Ltd noted the difficulty broadcasters can face in determining whether an advertisement could be regarded as political matter' and therefore need the required particulars to be attached to the advertisement.

The ABA has acknowledged these difficulties



within its investigation report and has undertaken to provide guidelines in relation to the broadcasting of political matter to assist the industry in determining when an advertisement may be political matter.

In this case, the ABA is aware that all three licensees withdrew the advertisement from broadcast as soon as they became aware that it might be considered political matter and therefore needed the required particulars to be attached.

The licensees also advised the ABA that they

are proposing to send all non-routine Government advertisements to Commercials Advice Pty Limited (CAD) (a system for the provision of regulatory advice for television commercials) for classification and clearance before broadcast.

Given the difficulties that licensees may have in determining whether an advertisement is political matter the ABA is satisfied with the action taken and proposed by the licensees. Therefore, on this occasion, the ABA does not intend to take further action with regard to this matter.

5EBI, Adelaide

Complaint

On 9 September 1997 the ABA received an unresolved written complaint regarding the Greek community program broadcast by Adelaide community radio service 5EBI on 22 August 1996. The complainant alleged that certain comments by the program presenter were offensive and demeaned the Greek Evangelical Community at Seaton Park. The complainant also expressed dissatisfaction to the ABA regarding 5EBI's response to the complaint. The licensee of 5EBI is Ethnic Broadcasters Inc.

Code of practice

The complaint was assessed against the following sections of the Community Broadcasting Code of Practice,

2.3 Community broadcasting licensees shall not broadcast material which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.

7.4 Licensees will make appropriate arrangements to ensure that:

- (a) complaints will be received by a responsible person in normal office hours;
- (b) complaints will be conscientiously considered, investigated if necessary and responded to as soon as practicable; and
- (c) complaints will be promptly acknowledged and normally answered within six weeks from receipt of the complaint.

7.5 Responses to written complaints will be in writing and will include a copy of the Code of Practice on handling complaints.

Decision

The ABA found that the licensee breached section 2.3 of the code by broadcasting material which attempted to demean a group on the basis of religion. The ABA also found the licensee had breached sections 7.4 and 7.5 of the code by failing to provide a written response to a complaint.

Action taken

The licensee advised the ABA that the announcer had been suspended from broadcasting pending the finalisation of the matter. The final decision was to be made by the executive committee of 5EBI at that time. The licensee also undertook to respond to all future complaints speedily and with due diligence.

The ABA noted 5EBI's previous good record in compliance with the Community Broadcasting Code of Practice and the firm action taken with regard to this investigation. The ABA is of the view that the action taken by the licensee toward the announcer is commensurate with the seriousness of the breach and does not expect or require further action. However, this is ultimately a matter for the licensee to resolve.

Further, the ABA is satisfied with the undertaking given by the licensee in relation to complaints handling. Therefore, on this occasion, the ABA does not intend to take further action with regard to this matter.

