



## 5AA Adelaide

# Incitement of violence and invasion of privacy

### Complaint

On 27 August 1997 the ABA received a complaint about a talk-back segment broadcast during the 'Sunday Garden Show' on 5AA Adelaide on 20 July 1997. The complaint related to comments made by the presenter about the complainant's proposal to remove an old tree from his property. The complainant alleged that the presenter broadcast the complainant's street address and requested his audience 'stand guard over the tree, march down to that address and protest'.

### Relevant code

The complaint was assessed against the following provisions of the Commercial Radio Code of Practice:

- 1.1 A licensee shall not broadcast a program which may:
  - (a) incite, encourage or present for their own sake violence or brutality;
- 2.2. In the preparation and presentation of current affairs programs, a licensee must ensure that:
  - (e) respect is given to each person's legitimate right to protection from unjustified use of material which is obtained without an individual's consent or other unwarranted and intrusive invasions of privacy.

### Decision

The ABA noted the passionate and unequivocal views of the presenter on the subject of the tree expressed throughout the program. These views were expressed in strong terms, and did not materially alter in the course of the program.

The ABA concluded that in its broadcast of this program 5AA did not breach clause 1.1(a) of the code. Although the provision of the complainants actual address is significant, the suggestion that listeners should go to this address was downplayed by the presenter, and countered in the remainder of the program. In addition, the type of action recommended by the presenter, was not inherently violent or brutal in nature.

The ABA also considered whether or not the provision of the complainant's address was justified in the context of this broadcast. The ABA considers that very strong public interest reasons would need to be demonstrated to justify broadcasting, on a commercial radio program, the home address of a member of the public and advocating any type of action at those premises, even 'keeping an eye' on the tree.

The ABA does not accept that the public interest was served in any way by the broadcast of the complainant's address in this broadcast.

The ABA decided that, by providing the complainant's home address in the program of 20 July 1997, 5AA breached clause 2.2(e) of the code. The broadcast constituted an unjustified use of material to the point where it constituted an unwarranted and intrusive invasion of the complainant's privacy.

### Action taken

5AA has advised the ABA that the station 'sets very high standards of broadcasting practice to be followed by all of our presenters'. While noting that it does not consider that a breach has occurred, 5AA expressed the view that:

... the broadcast of the complainant's address, in this case was unfortunate and contrary to our high standards. It should not have happened. I have spoken to the presenter accordingly.

The licensee advised the ABA that it proposed to take the following action:

All of 5AA's presenters will be reminded of these code provisions, first, in meeting format and, secondly, in writing.

Presenters are also to be advised that the broadcast of the name, address, telephone number or other personal information, about any individual is unacceptable, in the context of a program such as 'Sunday Garden Show', without the consent of the individual or unless the circumstances are extreme.

Given the response by the licensee, the ABA is satisfied that steps have been put in place to ensure that a similar breach of this code provision will not recur. The ABA therefore does not intend to take any further action with regard to this matter.