



## Broadcasting across the border

The ABA received a complaint from commercial television licensee, NBN Limited, that, since the commencement of daylight saving in 1997, commercial television services NEN, Prime and NRN 10 had broadcast programs into Queensland on NSW time. Queensland did not join in daylight saving and it was claimed that 'M', 'MA', 'PG' and 'C' programs were broadcast by Prime Television (Northern) Pty Ltd (Prime) and Northern Rivers Television Pty Ltd (Ten Northern) an hour earlier than the classification times set down in the Commercial Television Industry Code of Practice.

NBN claimed that it is the only one of the three services that reaches into Queensland which time-shifts its programming to comply with the code's requirements. NBN claimed that, as a result, it was being placed at a commercial disadvantage.

The ABA also received a written complaint from a Queensland viewer about the broadcast of the movie *Pulp Fiction* at 7.30 p.m. by Prime. The complainant also raised the issue of the time difference which resulted in programs regularly being screened outside their classification zones.

### Relevant code

The relevant classification requirements of the code are set out in section 2 in clauses 2.10 to 2.17, which include the requirements for broadcast of programs classified 'G' and 'PG', as well as 'M' and 'MA'.

Clauses 2.15 and 2.17 contain the requirements of 'M' and 'MA' classified programs respectively and comply with the time limits of the section 123(3A)(c) of the *Broadcasting Services Act 1992*.

### Decision

Prime and Ten Northern admitted that no action was being taken to time-shift programs originating in NSW but which were being received in Queensland an hour earlier. Nor was any other action taken to ensure that the classification requirements of the code were met in Queensland. Both licensees admitted that programs classified 'M', originating in NSW, were being broadcast into Queensland at an hour earlier than the classification times required by the code.

The ABA found that Prime Television (Northern) Pty Ltd and Northern Rivers Television Pty Ltd breached clause 2.15 of the code, as they broadcast 'M' classified programs outside the time allowed.

### Action taken

Following the ABA's decision, Prime Television Ltd, for NEN, and Telecasters Australia Ltd, for NRN, both provided the ABA with an undertaking that they would make arrangements to ensure future compliance with the code when daylight saving was operating in NSW. The ABA decided to take no further action with regard to this matter.

## A Current Affair, TCN 9 Sydney

The ABA received an unresolved complaint about segments on 'A Current Affair', broadcast by TCN 9 Sydney on 18, 19 and 25 June 1996. The complainants claimed that the segments had subjected them to unjustified and unwarranted adverse publicity and had unreasonably invaded their privacy.

### Relevant code

Section 4.3 of the code 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;.....

4.3.5 must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there are identifiable public interest reasons for the material to be broadcast;

### Decision

The ABA considered it reasonable to claim that there was a public interest in broadcasting the details of the complainants' private affairs in terms of their conflict with another family and its relevance to a law affecting the community.

However, it is the ABA's view that the public interest in the private information which was broadcast, did not extend to the complainants' address.

The ABA found that there was no identifiable public interest reason for the complainants address to be broadcast and as such the licensee had breached section 4.3.5 of the code. The ABA did not uphold the part of the complaint relating to section 4.3.1 of the code.

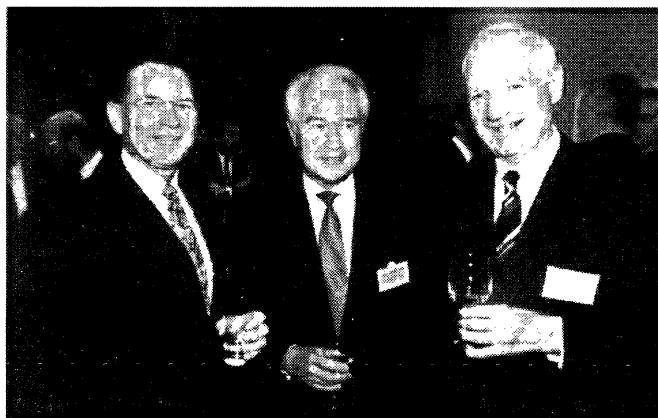
### Action taken

While Nine disputed the ABA's decision, Nine management undertook to inform relevant staff of the ABA's decision and instruct them to take due caution in future in relation to this finding.

The ABA is satisfied that the licensee has undertaken appropriate remedial action to prevent future similar breaches as well as taking steps to resolve the issue to the satisfaction of the complainant.

For its regular monthly meeting in June, the ABA moved to Brisbane, and members and staff took the opportunity to meet representatives of the Queensland broadcasting industry and other related industries.

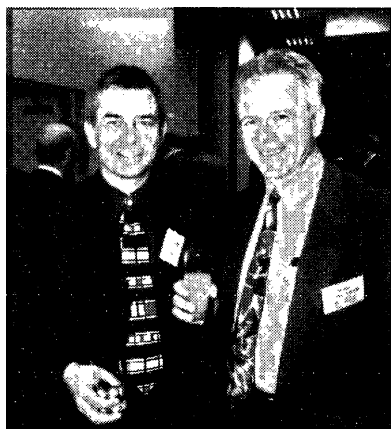
# The ABA in Brisbane



L-R: Peter Campbell (Rhema FM), Professor David Flint, Jack Lunn (Courier Mail)



L-R: Peter Verhoeven, (4KQ), Rhys Holleran (R. G. Capital), Ted Rogers (4WK/4AK)



Left: Michael Gordon-Smith (ABA Member) with Professor Stuart Cunningham (Key Centre for Cultural and Media Studies)

Right: Wendy Keys (School of Film Media and Cultural Studies, Griffith University) with Robin James (Pacific Film and Television Commission)



L-R: John McCormack (4IP), John Rimmer (ABA Member), Bob Greeney (ABA Director Planning and Licensing)



L-R: Nick Scott (Sunshine Broadcasters), Michelle Richardson (ABA Planning and Licensing), Greg Cupitt (ABA Planning and Licensing), Rhys Holleran (R.G. Capital), Laurie Patton (Channel Seven Brisbane)

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