



## TCN 9

**Today****Complaint**

On 2 September 1998, the ABA received a written complaint from the Australian Zoroastrian Association of NSW (AZANSW) concerning the content of a segment which was broadcast by TCN9 during the 'Today' program on 12 September 1997.

The AZANSW alleged that the segment in question 'grossly' misrepresented the nature of Zoroastrianism by placing the followers of the religion in the same category as the 'cults of Witches'. The AZANSW also claimed that a member of the Association had lodged a complaint on 8 October 1997, which was within the 30 day requirement, but was not satisfied with the response received from a reporter of 'Today', Ms Annalie Taylor.

The ABA notes that the response from 'Today' did not advise the complainant that the complaint could be referred to the ABA for investigation.

**Relevant code**

The ABA considers that the following provisions of the Commercial Television Industry Code of Practice are relevant in this investigation:

Section 4.3 – News and current affairs programs

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

4.3.7 must not portray any person or group of persons in a negative light by placing gratuitous emphasis on ... religion ... Nevertheless, where it is in the public interest, licensees may report events and broadcast comments in which such matters are raised.

Section 7.8 – Time Limits on Responses to Written Complaints about a Code Matter

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 ABA if not satisfied with the licensee's response.

**Decision**

The ABA is of the view that a link between Zoroastrianism and witchcraft would most likely have been made by most viewers of the segment, based on the fact that it predominantly comprised witches, together with the related comments made by the reporter and the Rev. Tim Costello.

The ABA is of the view that by omitting information about what comprises Zoroastrianism and failing to make a clear distinction between this religion and witchcraft, and for that matter 'alternative practices', the program did not present factual material accurately.

The ABA is of the view that TCN9 did not breach clause 4.3.7 of the code, but breached clause 4.3.1 of the code as the licensee did not present factual material accurately.

The ABA is also of the view that TCN9 breached clause 7.8 of the code as it failed to advise the complainant that that the complaint could be referred to the ABA if not satisfied with the licensee's response.

**Action taken**

In its response to the ABA, dated 11 December 1998, the Nine network stated that it:

... accepts the finding by the ABA that the Zoroastrian religion was not adequately distinguished from witchcraft, although there was certainly no intention by Nine to describe Zoroastrianism as akin to witchcraft.

The ABA advised the Nine network that it will continue to monitor TCN9 in regard to its compliance with the code.