



4TOO Townsville

Retention of matter broadcast

Complaint

On 6 November 1998, the ABA received a complaint regarding an interview broadcast on 20 January 1998.

The complaint was that the licensee of 4TOO, Townsville Broadcasters Pty Ltd, failed to retain a complete copy of the program broadcast.

Relevant legislation

Clauses 5(2) and 5(3) of Schedule 2 of the *Broadcasting Services Act 1992* provide:

5. Records of matter broadcast
 - (2) If a broadcaster broadcasts matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, the broadcaster must cause a record of the matter to be made in a form approved in writing by the ABA.
 - (3) Subject to this clause, a broadcaster must retain in his or her custody a record so made for a period of:
 - (a) 6 weeks from the date on which the matter was broadcast; or
 - (b) if a complaint has been made about the matter – for 60 days from the date on which the matter was broadcast;or such longer period as the ABA, in special circumstances, directs in writing.

Decision

The complaint was that the lead-in material to the interview between Dave Harris and the manager of the Cowboys football team, Rabieh Krayem, broadcast on 20 January 1998 was not retained. The complainant gave notice to the licensee to retain the material on 23 January 1998. The licensee did retain a copy of the interview itself but admitted that it had failed to retain the lead-in material through an operational error. The licensee questioned whether the program came within the definition of current affairs. The ABA's legal advice was that any program that focuses on social, economic or political issues of relevance to the community is considered current affairs. The ABA consequently found that 4TOO had breached the licence condition at clause 5 of Schedule 2 of the Act quoted above.

Action taken

As a result of the ABA's finding, the licensee:

- has introduced new procedures to ensure that relevant matter is retained in the future and
- replaced the old tape recording system with a new digital log system.

The ABA was satisfied with this action and does not intend to pursue this matter further at this time. The ABA will, however, monitor the situation and may consider taking action if breaches of a similar nature by the licensee of 4TOO are found in the future.

