



Decision

The ABA found the verbal references to sexual behaviour were restrained in that they were fleeting references and did not include detailed accounts of the sexual activity referred to, nor were they reinforced by visuals. The comments could properly be characterised as 'limited and discreet', in compliance with clause 2.10.2 of the code.

A threshold issue in the investigation was whether or not the segment contained nudity. The ABA concluded that the visual footage of the woman with the G-string was a portrayal of nudity. The prominence given to the woman's exposed buttocks (by close-up visuals, by the camera angle showing the woman leaning her buttocks into the camera, and by the clarity of the image) served to emphasise the woman's nakedness.

The ABA also considered the references to sexual behaviour that were not limited and discreet. The ABA concluded that various elements in the visual portrayal of the woman contained sexual connotations and placed the material shown beyond what is acceptable viewing in a G classification zone (the G-string, feather boa, whip-like strands draping her back, her sexually suggestive pose and provocative movements). The ABA is of the view that, given the clarity of the image, a parent or guardian may have been called upon by a child to provide guidance about the visual content of the broadcast.

The ABA determined that the licensee of STQ 7 breached clause 2.10.2 of the code in that the vision of the three sequences of a woman's buttocks was not a discreet portrayal of nudity, and involved references to sexual behaviour which were not limited and discreet.

Action taken

STQ 7 disagreed with the ABA's findings. The ABA has sought information from STQ 7 on what action it has taken to prevent future similar breaches, and is pursuing the matter further.

NWS 9 Adelaide

A Current Affair — Accuracy, invasion of privacy and complaints handling

Complaint

On 3 June 1999 the ABA received a complaint that an item broadcast by NWS 9 Adelaide in 'A Current Affair' on 2 March 1999 was inaccurate and misleading. The item was about the will of a deceased man. It suggested that, save for a sum of \$10 000 bequeathed to certain relatives, the balance of the \$18 million estate went to 'Chigi', the deceased man's dog.

The complainants also stated that the item broadcast was an invasion of privacy and that NWS 9 failed to respond to the complainants' request for an on-air correction and failed to advise them that their complaint could be referred to the ABA.

Relevant code of practice

The Commercial Television Industry Code of Practice, August 1993 version is applicable to this complaint. The code provides:

News and Current Affairs Programs

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 is an identifiable

public interest reason for the material to be broadcast;

4.3.8 must make reasonable efforts to correct significant errors of fact at the earliest opportunity.

Time Limits on Responses to Written Complaints about a Code Matter

7.8 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 Australian Broadcasting Authority if not satisfied with the licensee's response.

Decision

The ABA determined that the licensee of NWS 9 Adelaide breached subclauses 4.3.1 and 4.3.8 of the code by broadcasting an item relating to the will of the deceased in its program 'A Current Affair' that was inaccurate, and not correcting the error at the earliest opportunity. The ABA also found that the licensee breached clause 7.8 of the code when responding to the complaint.

Action taken

The ABA recommended that the licensee correct the significant errors of fact contained in the item. Subsequently, the licensee broadcast a correction in the program 'A Current Affair'.