



Investigations

Action taken

Imparja advised the ABA that the advertisements were inadvertently broadcast. The licensee has amended internal processes to ensure similar breaches do not

occur in the future. These amendments have clarified station management roles and tightened scheduling procedures for election advertisements.

The ABA noted this was the licensee's second breach of this licence condition.

As there had been five years between breaches, the ABA determined that no further action would be taken at this stage but advised the licensee that future breaches would be considered to be serious.



2NVR Community Radio, Nambucca Valley

Racial vilification, stereotyping and perpetuating hatred, complaints handling

On 6 December 2000, ABA received a written complaint concerning the program 'As I See It', broadcast on 17 January 2000. The complainants alleged that the program broadcast anti-Jewish material that stereotyped, incited, vilified and perpetuated hatred against Zionists, Israelis and Jews. The complainants also alleged that 2NVR failed to respond to their complaint until 3 August 2000.

Relevant code of practice

The Community Broadcasting Code of Practice states:

Guidelines for General Programming

The purpose of the code is to reflect the need to avoid and break down prejudice and discrimination, and to prevent the broadcasting of material which is contrary to community standards, government regulations and the principles of community broadcasting.

2.3 Community broadcasting licensees shall not broadcast material which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.

Handling Complaints

The purpose of this code is to prescribe the manner in which complaints and other comments from members of the public will be dealt with.

7.3 Community broadcasting licensees will make every reasonable effort to

resolve complaints, except where a complaint is clearly frivolous, vexatious or not made in good faith.

7.6 If the complainant indicates dissatisfaction with the response of the licensee, the licensee will advise the complainant of their right to refer the matter to the Australian Broadcasting Authority.

Decision

The broadcast of 'As I See It' contained music, a selection of readings and commentary on a number of matters. The presenter quoted from local and national newspapers. In commenting on an article in the *Daily Telegraph* of 10 January 2000, the presenter claimed that the newspaper's comments on Mr Kalejs were 'more [anti-Nazi] propaganda'.

The presenter read a number of anti-Zionist and anti-Semitic extracts from *Frank Wallace: a Framed Victim of the Nazi Hunters*, the *The Protocols of the Elders of Zion*, an anti-Semitic document purportedly written by Jews as a plan for world domination and extracts from Henry Ford's paper, the *Dearborn Express*, during which he made a number of anti-Semitic comments.

In the ABA's view, the presenter's commentary and readings stereotyped, vilified and perpetuated hatred against Jews, Israelis and Zionists. While the presenter made a number of statements indicating that the views expressed were not his or those of the station, these

disclaimers are not relevant. The code does not excuse remarks that stereotype, vilify or perpetuate hatred solely on the basis that they are not a station's or a presenter's personal views.

The ABA determined that the opinions expressed by the presenter on 'As I See It' breached clause 2.3 of the code.

The ABA noted that the written complaint to 2NVR made in January 2000 was not formally responded to by the station until 3 August 2000. In addition, there was no attempt to deal with the substance of the complaint, or to resolve the matter with the complainants. The ABA determined that 2NVR breached clause 7.3 of the code.

Action taken

The ABA sought (and obtained) written reassurance from the licensee that detailed the systems, practices and procedures that 2NVR had put in place to ensure that similarly offensive material would not be broadcast in the future, and to ensure that the licensee has adequate systems in place to deal with complaints.

The ABA also sought (and obtained) written advice from the licensee on the steps it took to approach and resolve this matter. In doing so, the ABA sought advice from the complainants that the matter had been resolved to their satisfaction.

