



VTV 9 Ballarat

Broadcasting offensive material

The Complaint

In September 2001, the ABA received a written complaint concerning a news item broadcast by commercial television station VTV 9 Ballarat, part of the WIN Television Network, on 8 August 2001. The complainant alleged that the news item, which concerned the launch of a road safety campaign, contained distressing images and should have been preceded by a warning.

Relevant code of practice

Clause 4.3 of the Commercial Television Industry Code of Practice (the Code) states, in part, that:

4.3 In broadcasting news and current affairs programs, licensees.

....

4.3.4 must provide the warnings required by Clauses 2.8 and 2.30 of this Code when there is an identifiable public interest reason for selecting and broadcasting visual and/or aural material which may seriously distress or seriously offend a substantial number of viewers;

Clauses 2.8 and 2.30 of the Code state that:

2.8 Material Which May Distress or Offend Viewers: Only if there is an identifiable public interest reason may a licensee broadcast a news or current affairs program containing material which, in the licensee's reasonable opinion, is likely to distress or offend a substantial number of viewers.

2.8.1 If such material is likely, in the licensee's reasonable opinion, to seriously distress or seriously offend a substantial number of viewers, then the licensee must provide the adequate prior warning required by Clause 2.30.

2.30 A licensee must provide prior warning to viewers when a news, current affairs, or other program which does not carry consumer advice

includes, for an identifiable public interest reason, material which in the licensee's reasonable opinion is likely to seriously distress or seriously offend a substantial number of viewers. The warning must precede the relevant item in a news and current affairs program and precede the program in other cases.

Decision

The ABA determined that on 8 August 2001, the licensee of VTV 9, WIN Television Vic Pty Ltd (WIN), breached Clause 4.3.4 of the Code in that it broadcast a news item containing material that may have seriously distressed or seriously offended a substantial number of viewers and did not provide an adequate warning prior to that news item being broadcast.

Action taken

In response to the ABA's request for comments, WIN stated that as a result of this incident, all WIN offices now have a copy of the Code available in their Bureau and that all journalists have been advised in writing that they must refer to the Code for direction, and in particular that they must ensure that appropriate warnings are given when material that may seriously distress or offend a substantial number of viewers is telecast for an identifiable public interest reason. WIN has also included in its letter of appointment to new journalists, a condition requiring them to abide by the terms and conditions of the All Media Law Handbook and the Code of Practice.

Due to WIN taking the above steps to prevent similar breaches occurring in the future, and as this is the first such breach found by the ABA against WIN, the ABA will not be taking any further action at this stage.

