



TCN 9 – Sydney

Representing viewpoints fairly; identifying a single person when commenting on the behaviour of a group

The complaint

The complaint was about a segment on *A Current Affair* of 21 August 2001. The complainant claimed that the story concerning the medical treatment provided by a plastic reconstructive surgeon to a former patient breached various provisions of Section 4 of the Commercial Television Industry Code of Practice (the code) in that it was inaccurate, not balanced, did not represent viewpoints fairly and unfairly identified the doctor concerned when commenting upon the behaviour of plastic surgeons as a whole.

The complaint also alleged that preview material broadcast the previous evening was also in breach of the code. Particular issue was taken with the licensee's conduct in broadcasting a story damaging to the professional reputation of a medical practitioner, who had been cleared by the Court of negligence and breach of contract some six weeks before the broadcast.

Relevant code of practice

The relevant provisions of the code state that 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; and
- 4.3.7 should avoid unfairly identifying a single person or business when commenting on the behaviour of a group of persons or businesses;

The decision

The ABA did not uphold the complainant's view that the broadcast failed to present factual

material accurately. The ABA was of the view that the expression of personal viewpoints by the former patient did not fall into the category of factual material. The ABA also concluded that preview material associated with the program did not breach the code.

The ABA determined that the report did not do justice to the doctor's viewpoint, particularly as it related to the matter of negligence. Further, by presenting only a very small portion of the doctor's evidence, the end result was that his views were not presented in their entirety. There also appeared to have been no particular impediment and ample time to ensure that the doctor's viewpoint was fairly presented in the broadcast by his personal comment, or summary of his evidence, or other means.

The ABA also upheld the complaint that the doctor was unfairly singled out as an individual. The report juxtaposed generalised comments about the behaviour of the cosmetic surgery industry with a focus on a single doctor who was identified by name. The report conveyed an unfair impression that the doctor was not a good surgeon, when the judgement of the court indicated that the doctor has a reputation for being a highly skilful surgeon and was not negligent in the treatment he provided to his former patient.

Action taken

The licensee advised that the reporter will receive training in relation to the code, as well as on accuracy in court reporting. The matter will also be used as case study material for training sessions. The ABA decided not to take any further action at this stage.

