



WIN Television - Qld

Fair and impartial presentation of news, privacy, complaints handling.

The complaint

The complainant alleged that a news item about a committal hearing at the Rockhampton Magistrate's Court was not fair and impartial, and represented an invasion of his privacy.

The news item, broadcast on WIN News on 3 October 2000, reported on the committal hearing of the complainant's grandson. It stated that the youth was charged with grievous bodily harm following an attack on a man. The report described the attack and quoted statements the defendant allegedly made to the police. The report concluded with a description of the injuries suffered by the man attacked.

committal hearing proceedings, and concluded that the news item unduly emphasised evidence that was unfavourable to the defendant, while downplaying the possible self-defence reasons for the attack. In particular, the ABA noted that the most provocative comments attributed to the defendant did not appear in the transcript of proceedings, and were presumably submitted to the proceedings as sworn statements. Their use in the news report (in which they were strongly highlighted) was disproportionate to the significance attached to them in the committal. These factors meant the news report was not a fair representation of the committal hearing.

Relevant code of practice

The relevant code provisions are at Section 4 of the Commercial Television Industry Code of Practice (the Code):

4.3 In broadcasting news and current affairs programs, licensees:

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;

4.4 In broadcasting news programs (including news flashes) licensees:

4.4.1 must present news fairly and impartially.

Action taken

In relation to the complaint of invasion of privacy, the ABA noted that the footage complained about was filmed in a public place. In such a place, an individual would not expect to be shielded from the public gaze, as would be the case if the individual was in a private place such as his or her own home. Because of the public setting, the broadcast did not constitute material relating to a person's personal or private affairs or invade the complainant's privacy, and there was no breach found of the Code's privacy provisions.



The decision

The ABA determined that the broadcast breached clause 4.4.1 of the Code, in that it did not present news fairly and impartially.

The ABA consulted the transcript of the