



NBN 9 Newcastle

Inaccurate presentation of factual material, invasion of privacy

Complaint

On 3 February 2003 the ABA received a written complaint regarding a segment of the program *A Current Affair* broadcast by NBN 9 Newcastle on 25 October 2001. The complainant alleged that the segment contained certain material that was inaccurate and that invaded her family's privacy.

The ABA sought comments on the complaint and a tape of the relevant program segment from NBN. The Nine Network responded on behalf of NBN.

Decision

The ABA determined that the licensee of NBN had breached clause 4.3.1 of the code by not broadcasting factual material accurately. The relevant factual material related to the identity of the person who had initiated the court action that was the subject of the segment in question.

The ABA further determined that the licensee of NBN had not breached that clause of the code relating to privacy.

Action taken

As a result of the ABA's finding, the Nine Network stated that it would forward and discuss the ABA report with the current executive producer, producers and journalists in the employ of *A Current Affair*. Nine stated that it would also conduct further training with *A Current Affair* journalists in relation to the provisions of the code with particular emphasis being given to the requirements of section 4.3.1 of the code.

Given this proposed action and given the lapse of time between the broadcast in question and the complaint to the ABA regarding the broadcast the ABA decided not to take the matter further.



Hellenic Radio Kiama

Broadcasting advertisements

Complaint

On 25 March and 24 April 2003, the ABA received written complaints regarding the licensee, a temporary community broadcaster, Hellenic Australian Radio Inc. (callsign ERA). The ABA is aware that the President/Station Manager of Hellenic Australian Radio Inc. is also the licensee of a number of low powered open narrowcasting services including Symban Radio.

The complaint raised a number of issues including an allegation that the licensee was broadcasting advertisements provided through the Symban Radio Network.

The ABA requested the licensee to provide audiotapes on dates and times which it had selected at random. The ABA identified 36 promotional announcements broadcast during the nine hours of randomly selected programming.

Decision

The ABA determined that on 15 April 2003, Hellenic Australian Radio Inc. breached the licence condition at paragraph 9(1)(b) of Schedule 2 to the Broadcasting Services Act when it broadcast the following advertisements: Milloway Shop and Krama Magazine.

The ABA further determined that the remaining announcements were 33 valid sponsorship announcements and one announcement that constituted community information material or community promotional material.

Action taken

The licensee undertook to improve procedures put in place in 2002. The ABA will continue to monitor the licensee's compliance with its licence conditions.



Investigation reports: breach findings
To view the full report on these investigations, go to the ABA web site: www.aba.gov.au/tv/investigations/breach_findings/ or www.aba.gov.au/radio/investigations/breach_findings/ where the reports are arranged according to month of completion.