



## Al Manar programming on TARBS

The ABA has been conducting an investigation into the broadcast of the Lebanon-based satellite television channel Al Manar by subscription narrowcast television licensee, Television & Radio Broadcasting Services Australia Pty Ltd (TARBS).

During the investigation, the ABA considered whether certain material in programs provided by Al Manar was in breach of Federal anti-terrorism laws, including material that appeared to solicit funds for organisations linked with terrorism. It concluded that if such material were broadcast with the intent to solicit funds and the broadcaster was reckless as to whether or not the funds would be used for terrorism purposes, it could constitute use of the broadcasting service in the commission of an offence. This would be a breach of the conditions of the subscription narrowcast television class licence, however, intent must be established in order to find a breach.

The ABA found no evidence that TARBS had broadcast the material with the requisite intention. Accordingly, there is no suggestion of a breach of the conditions of the subscription narrowcast television class licence.

The ABA believes this discloses a deficiency in the rules governing subscription narrowcasters.

The ABA proposes to examine use of its powers to ensure that there are appropriate community safeguards in respect of programming of the type provided on the Al Manar channel. The range of powers available to the ABA in this instance is broad, and includes the power to specify an additional condition on class licences and the power to determine a program standard.

The ABA reviewed a significant amount of Al Manar programming during its investigation. The ABA is concerned that some material was of a type that could breach the provisions of the codes of practice for subscription narrowcast television. The codes say that narrowcasters will present accurate and fair news and current affairs programs and will not broadcast programs that are likely to incite or perpetuate hatred against or gratuitously vilify any person or group on the basis of their ethnicity, nationality, race or religion.

The ABA is also concerned that some broadcasters of services provided under class licences appear not to be retaining records of relevant matter broadcast (as required by subclauses 5(2) and 5(3) of Schedule 2 to the *Broadcasting Services Act 1992*). The ABA reminds subscription and open narrowcast television services that if they broadcast matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, they are required to cause a record of the matter to be made and retained in their custody for the periods set out in Schedule 2.

The ABA's investigation into the TARBS service began on 23 October 2003. The ABA recently decided not to finalise the investigation, noting that TARBS has gone into receivership. TARBS ceased to provide the Al Manar service on 5 November 2003. The ABA is aware of media reports that the Al Manar channel was available through satellite broadcaster Globecast Australia. However, Globecast Australia is not currently providing the service. ☐

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## ATN 7 Sydney

### Accuracy, representation of viewpoints and complaints handling

#### The complaint

On 17 September 2003, the ABA received a complaint from the Australian Red Cross Blood Service regarding factual content, representation of viewpoints and complaint handling in relation

to the item 'Bad Blood' broadcast on *Today Tonight* on 12 June 2003.

The complainant also claimed that the broadcast was unduly alarmist and irresponsible, due to the inaccuracy of the overall report, and had



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the potential to impact donor confidence in the Australian Red Cross Blood Service.

## Decision

The ABA determined that in relation to the broadcast of the item 'Bad Blood' in the program *Today Tonight* on 12 June 2003, the licensee, Channel Seven Sydney Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 in relation to presentation of factual material and representation of viewpoints
- breached clause 7.9 of the Code in its handling of a complaint about the item and
- did not breach clause 4.3.2 of the Code in relation to the creation of public panic.

## Action taken

In its 4 March 2004 submission the licensee advised the ABA that it would be:

... conducting an extensive Code training program throughout the network following the introduction of the revised Code. For the news and current affairs area training will particularly focus on section 4 of the Code and will also include a strong emphasis on complaints handling. We will be using relevant ABA investigations (including

this investigation) as practical examples to stimulate discussion and to illustrate the application of the Code requirements that are relevant to news and current affairs.

As with all ABA investigations, a copy of the ABA's report in relation to this story will be provided to our senior news and current affairs management as well as reporting and research staff involved with preparation of the story.

Seven recognises that there have been a number of recent ABA investigations involving complaints handling in the news and current affairs area and that this issue must be addressed internally ...

At its meeting of 20 May 2004, the ABA decided to seek a written undertaking from the licensee that it will:

- provide a copy of the ABA investigation report to all relevant staff
- conduct a Code training program with relevant staff within the next three months
- focus training for news and current affairs staff on section 4 of the Code, using relevant ABA investigations (including this one) as practical examples to illustrate Code requirements and
- report to the ABA, at the end of the three-month period, on its compliance with the above. ☒

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## ATV 10 Melbourne

### Promotions for MA classified programs in G programs

#### Complaint

In March 2004, the ABA received a written complaint concerning promotions and sponsorship announcements for the MA classified films *Cold Mountain* and *The Last Samurai*, broadcast by ATV 10 during the G classified programs *Seinfeld*, *The Simpsons* and *Everybody Loves Raymond*, on 1 January 2004 and in the week commencing 5 January 2004.

#### Decision

The ABA determined that the licensee of ATV 10, Network 10 Melbourne Pty Ltd, breached clauses 6.17 and 3.14 of the Commercial Television Industry Code of Practice for broadcasting promotions for MA films during G programs.

#### Action taken

The licensee accepted the ABA's findings on this matter. The licensee has indicated that the requirements of clause 3.14 have been reinforced to the scheduling, classification and promotions area to avoid a repeat of the breach. The licensee has also indicated that Ten has instituted a specific policy for internally produced sponsorship announcements for cinema films, reflecting the requirements of clauses 3.14 and 6.17, and ensuring that they are seen by the network classifiers before being broadcast. ☒

#### 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/](http://www.aba.gov.au/tv/investigations/breach_findings/) or

[www.aba.gov.au/radio/investigations/breach\\_findings/](http://www.aba.gov.au/radio/investigations/breach_findings/)

where the reports are arranged according to month of completion.