



On 24 November 2004, the Victorian Civil and Administrative Tribunal found that the respondent's conduct was misleading and deceptive, albeit not intentionally, and ordered it to pay \$7500 in damages to the purchasers.

Assessment

The ABA sought and received a tape of the relevant segment from the licensee and comments in regard to the program's compliance with the relevant clauses of the code.

The ABA assessed the allegations against the code's requirement to 'present factual

material accurately having regard to the circumstances at the time of preparing and broadcasting the program.'

The ABA found that in three of the matters complained about, that is:

- the implication that the misrepresentation was deliberate on the part of Mr D
- the suggestion that Mr D had personally made the misrepresentation to the purchasers, and
- omitting to point out that the demolition order was attached to the contract for sale
- the licensee did not present factual material accurately.

In relation to the suggestion that Mr D

had only paid the outstanding compensation monies after *Today Tonight's* involvement in the matter, the ABA found that the licensee did not breach clause 4.3.1 of the code.

The ABA also found that the licensee's response to the complaint did not specifically address the four issues raised by the complainant in its letter of 20 April 2004. It merely refuted the complainant's allegations in three sentences. The ABA considers that the response was not substantive in terms of code 7.9. Further, the ABA notes that the response did not advise the complainant that it could make a complaint to the ABA about the matter if it considered the response inadequate. ☐

ATN 7 Sydney: Today Tonight

Accuracy, representation of viewpoints, correcting significant errors of fact at the earliest opportunity

The complaint

On 11 March 2004, the ABA received a complaint from Centrelink regarding factual content, representation of viewpoints and correcting significant errors of fact at the earliest opportunity in the 'Ruthless Centrelink' segment broadcast on *Today Tonight* on 18 December 2003.

The complainant's concerns related primarily to the omission of relevant information provided by the complainant and the failure of the licensee to include the complainant's 'side of the story in response to inaccurate allegations', which resulted in a negative representation of Centrelink.

Decision

The ABA determined that in relation to the broadcast of the item 'Ruthless Centrelink' in the program *Today Tonight* on 18 December 2003, the licensee, Channel Seven Sydney Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice 1999 as factual material was not presented accurately
- breached clause 4.3.1 of the code, as viewpoints were not represented fairly
- breached clause 4.3.11 of the code, as reasonable efforts were not made to correct a significant error of fact at the earliest opportunity and
- did not breach clause 4.5 of the code, as viewpoints were represented fairly in the program promotion.

Action taken

In its 18 October 2004 submission the licensee advised the ABA that it would be: ... providing a copy of the ABA's final investigation report to relevant senior news and current affairs management as well as to the reporting and research staff involved with the preparation of the segment.

The ABA also notes that on 20 May 2004, in regard to an investigation into another

Today Tonight report, the ABA sought a written undertaking from the licensee that it conduct a code training program with relevant staff within the following three months. Training for news and current affairs staff should focus on section 4 of the code, using relevant ABA investigations as practical examples to illustrate code requirements. In a letter dated 9 November 2004, the licensee advised that:

- training sessions were conducted with News & Current Affairs, Sales Programming/Admin and the Switchboard
- each session was specifically tailored to those areas of the code of most significance to the relevant business area and
- for the News & Current Affairs groups, training focused on clause 4 (News and Current Affairs) of the code and the complaints handling requirements of clause 7. All areas of the relevant code were covered. ☐