

Investigations

WIN TV Southern NSW

Accuracy and fairness in current affairs programs

The complaint

In June 2004 the ABA received an unresolved written complaint regarding two segments of the Nine Network program *A Current Affair* broadcast by WIN Television on 1 and 2 December 2003. Both segments dealt with the way in which the Australian Bureau of Statistics collects information. The complainant alleged that these segments were inaccurate, one-sided and unfair, because:

- both segments contained a number of exaggerated and incorrect claims
- both segments were unbalanced and one-sided
- the second segment failed to correct errors made in the first segment

- promotions for both program segments were sensational and one-sided and
- one of the segments contained a simulated scene that was not identified as such.

Decision

The ABA determined that the licensee of WIN TV, WIN Television NSW Pty Limited, breached clause 4.3.1 of the Commercial Television Industry Code of Practice on three separate occasions during its broadcast of *A Current Affair* on 1 December 2003, in that factual material was not presented accurately.

Action taken

In response to the ABA's request for comments on what action would be taken to prevent future similar breaches, the Nine Network advised that it would be using the final report in its regular training sessions. Nine also advised the ABA that

- it conducts regular training programs in legal and compliance issues including the Commercial Television Industry Code of Practice and
- this training, combined with appropriate examples (including any specific example which arises from the publication of the ABA's investigation report) assists in reducing the risk of any breach in future. ☐

NBN Northern New South Wales

Failure to check loudness of ads

The ABA has found that NBN Ltd, the licensee of commercial television service NBN Northern New South Wales, breached the Commercial Television Industry Code of Practice, by broadcasting two advertisements in July 2004 without ensuring that all requirements concerning noise compression, limiting and equalisation had been met.

On 15 October 2004, the ABA received a complaint alleging that advertisements broadcast on NBN were excessively loud. The complainant cited two advertisements specifically: one for Cardiff Toyota and another for the Morisset Power Barn. The licensee advised that Cardiff Toyota advertisements broadcast on or around 16 July 2004 did not fit the description provided by the complainant. Advertisements for the Morisset Power Barn were broadcast on 16 July. These were re-

ceived on 6 July 2004 and were delivered without certification. Southern Cross TEN, which produced the advertisements, provided this certification on 5 November 2004.

The ABA found that the licensee did not ensure, before broadcasting advertisements for the Morisset Power Barn on 16 July 2004, that relevant requirements in relation to loudness of advertisements had been met. Accordingly, the licensee breached clause 1.14 of the code.

The ABA notes that in response to the breach finding, the licensee has made amendments to its operational practices by ensuring all staff engaged in the process of accepting, dubbing and playing of television commercial content had been made aware of the necessity of compliance with the code. In addition, it undertakes technical checks on every advertisement dubbed into its on-air play-

ing system; plus regular training and refreshers.

The ABA also found that the licensee did not provide a response to the complaint within 30 working days after receipt of the complaint. Accordingly, the licensee breached clause 7.10 of the code. In addition, the ABA found that the licensee's reply did not advise the complainant that he might refer the matter to the ABA if not satisfied with the licensee's response. Accordingly, the licensee breached clause 7.12 of the code.

In response to the ABA's preliminary report, the licensee offered its apologies to the ABA and the complainant and advised that during the course of the investigation, it had restructured its process of handling complaints. The ABA considers these actions address the compliance issues raised by the investigation