



TCN 9 Sydney

Complaints handling

The ABA has found that TCN Channel Nine Pty Ltd, the licensee of commercial television service TCN Sydney, breached the Commercial Television Industry Code of Practice 2004 on two occasions by failing to provide a substantive written response to a complaint.

The first complaint, and decision

On 27 January 2005, the ABA received a written complaint regarding a segment broadcast on *A Current Affair* on 24 September 2004. The complainant alleged that the licensee failed to present factual material accurately; failed to correct significant errors of fact; and failed to provide a response to the complaint

The program segment concerned the issue of identity fraud, and in particular, a case study of a tenant who attempted to steal the identity of her flatmate.

The ABA determined that the licensee:

- presented factual material accurately in the broadcast and therefore did not breach clause 4.3.1 of the Commercial Television Industry Code of Practice 2004 (the code)
- did not breach clause 4.3.11 of the code in relation to correcting significant errors of fact and
- breached clause 7.9 of the code by failing to provide a substantive written response to the complaint.

The second complaint, and decision

On 14 March 2005, the ABA received a written complaint regarding a segment of the *A Current Affair* program broadcast by the licensee on 1 December 2004. The complainant alleged that the licensee failed to represent viewpoints fairly and failed to provide a response to his complaint.

The program segment concerned a dispute between a woman who oper-

ated a home occupation business distributing advertising pamphlets and her neighbours who objected to the piles of pamphlets in the woman's front yard.

The ABA determined that the licensee:

- represented viewpoints fairly in the broadcast and therefore did not breach clause 4.3.1 of the code but
- breached clause 7.9 of the code by failing to provide a substantive written response to the complaint.

Action taken

In response to the breach finding, the licensee has reviewed the situation and has advised the ABA that it has reinforced the importance of the time limits and procedures in section 7 of the code (Handling of complaints to licensees).

The ABA considers this action addresses the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard. ☐

HSV 7 Melbourne

Incorrect classification, failure to provide consumer advice warning

The ABA has found that Channel Seven Melbourne Pty Ltd, the licensee of commercial television service HSV Melbourne, breached the Commercial Television Industry Code of Practice 2004 by incorrectly classifying an episode of *Home and Away* as G and by not supplying a consumer advice warning for a PG classified program.

The complaint

On 27 October 2004, the ABA received a complaint concerning an episode of

Home and Away broadcast by the licensee. The complainant alleged that the episode contained violence and adult themes that were inappropriate for a child audience.

Decision

The ABA determined that the licensee, Channel Seven Melbourne Pty Ltd, in relation to the broadcast of an episode of the program *Home and Away* on 13 August 2004:

- breached clause 2.4 of the code of

practice by incorrectly classifying an episode of *Home and Away* as G according to the Television Classification Guidelines and

- breached clause 2.20.3 of the code by not supplying a consumer advice warning for a PG classified program that contained material of a strength or intensity, which the licensee would have reasonably believed parents or guardians of young children may not expect. ▶



Investigations

Action taken

In response to the breach finding, the licensee has brought the findings to the attention of the network's classifiers.

The ABA considers that the inappropriate classification of this episode was an isolated error and not part of a pattern of misjudgement or systemic

failure. The ABA will continue to monitor the licensee's performance against the relevant code provision. ☐

GTV 9 Melbourne

Failure to present factual material accurately

The ABA has found that General Television Corporation Melbourne Pty Ltd, the licensee of commercial television service GTV Melbourne, breached the Commercial Television Industry Code of Practice 2004, by not presenting factual material accurately.

alleged that the licensee failed to present factual material accurately.

The program segment reported on mobile telephone dropout rates and interviewed people on the street as well as the then Federal Opposition spokesperson, Lindsay Tanner.

Action taken

The ABA notes that in response to the breach findings, the licensee has undertaken to discuss the final report with the relevant producers of *The Today Show*, and the report will be used as an example in ongoing training in relation to the application of the code.

The ABA considers that these actions address the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard. ☐

The complaint

On 3 December 2004, the ABA received a written complaint from Telstra Corporation Limited regarding a segment broadcast by the licensee on *The Today Show* on 28 July 2004. The complainant

Decision

The ABA determined that the licensee breached clause 4.3.1 of the Commercial Television Industry Code of Practice 2004 in that it did not present factual material accurately.

NBN Northern NSW

Privacy

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 1999 by using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast.

garding a segment of the current affairs program *60 Minutes*, entitled 'Devil's Playground', broadcast by NBN on 21 March 2004. The complainant alleged that the licensee failed to present factual material accurately, that her privacy had been invaded and that her letter of complaint to the licensee about the program had not been responded to.

Australia Pty Ltd, the producer of the program, responded to the ABA on behalf of NBN.

The complaint

On 4 November 2004 the ABA received an unresolved written complaint re-

The ABA wrote to NBN Ltd seeking comments on the complaint and a tape of the relevant segment. Nine Network

Decision

The ABA determined that the licensee:

- did not breach clause 4.3.1 of the code (accurate presentation of factual material)
- did not breach clause 7.9 of the code (complaints handling) but
- breached clause 4.3.5 of the code by using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast. ☐

Investigation reports into matters relating to broadcast operations are on the ABA website:

www.aba.gov.au/newspubs/radio_TV/investigations.shtml