

PRIME TV TO MONITOR CAPTIONING STANDARDS

Prime Television (Northern) Pty Ltd, the licensee of commercial television service NEN Northern New South Wales, has provided an undertaking to monitor local news compliance with captioning standards for three months.

Prime has also undertaken to report to ACMA on the

outcome of that monitoring within two weeks of the conclusion of the monitoring period.

The undertaking follows a finding by the former Australian Broadcasting Authority (ABA) that the licensee breached Regulation 3.01 of the *Broadcasting Services (Digital Television Standards) Regulations 2000*, by not providing a captioning service for local news broadcast in the NEN regional licence area for more than two years since it commenced transmission in digital mode on 31 March 2003.

On 22 March 2005, the ABA received a complaint alleging that Prime Television in Newcastle was not captioning any of its local news broadcasts.

In response to the preliminary breach finding, Prime advised that it has provided captioned local news broadcasts in the Newcastle area since 11 April 2005 and in the Tamworth and the North Coast areas since 3 May 2005.

Given the seriousness of the breach, the ABA decided to seek an undertaking from the licensee, which was provided on 30 June 2005.

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. Go to ACMA > Publications > Broadcasting > Investigations and then Radio operations and Television operations. The reports are arranged in order of licensee.

TVQ Brisbane invaded privacy and failed to exercise special care before using a child's name

The ABA found that Network Ten Brisbane Pty Ltd, the licensee of commercial television service TVQ Brisbane, breached the Commercial Television Code of Practice 2004.

The licensee was found to have used material that invaded a person's privacy and to have failed to exercise special care before using material relating to a child's personal or private affairs in the broadcast of a report of a sensitive nature concerning the child.

The ABA also found TVQ breached the code by failing to advise the complainant that she could refer her complaint to the ABA.

On 23 February 2005, the ABA received a written complaint regarding a news item concerning bullying in

schools broadcast in the First *At Five* news program on TVQ. The complainant alleged that the licensee breached her and her son's privacy by revealing their names in the broadcast.

The ABA determined that the licensee:

- breached clause 4.3.5 of the Commercial Television Industry Code of Practice 2004 by using material which invaded the complainant's privacy
- breached clause 4.3.5.1 of the code by failing to exercise special care before using the name of the complainant's son and
- breached clause 7.12 the code by failing to advise the complainant that she may refer the matter to the ABA if not satisfied with the licensee's response.

The Ten Network advised the ABA that it has conducted code training with the relevant newsroom and will bring this finding to the attention of all news staff.

While deciding not to take any action on this occasion, the licensee's compliance with these code provisions will continue to be monitored.

The licensee has also reminded network staff of the importance of ensuring that complaints are processed through the proper channels, and of advising complainants of their right to refer code complaints to the ABA. The ABA considered that this action addresses the compliance issue raised by the investigation.