

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.

6YCR York: no policy for internal conflict resolution

ACMA has found that York Community Radio Inc., the licensee of Western Australian community radio service 6YCR York, breached the Community Broadcasting Code of Practice 2002 by failing to have in place a written policy and procedure to facilitate internal conflict resolution.

On 4 April 2005, the ABA received a written complaint alleging that the licensee had failed to encourage members of the community to participate in the operations and programming of the service by requiring presenters to sign an agreement that

includes the reimbursement of costs for damage to station property. It was also alleged that the licensee failed to establish a written conflict resolution policy.

The Australian Communications and Media Authority took over the role and responsibilities of the ABA from 1 July 2005.

ACMA determined that the licensee of 6YCR breached clause 6.2 of the Community Broadcasting Code of Practice by failing to have in place a written policy and procedure to facilitate internal conflict resolution, but did not breach

paragraph 9(2)(c) of Schedule 2 to the Broadcasting Services Act in requiring presenters to sign a presenters agreement.

ACMA noted that, in response to the breach finding, the licensee is now formulating an internal conflict resolution policy, which is expected to be finalised by mid-September 2005.

ACMA considers that these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's compliance with this requirement.

Today Tonight did not present factual material accurately

ACMA has found that Channel Seven Sydney Pty Ltd, the licensee of commercial television service ATN Sydney, breached the commercial television code of practice by failing to present factual material accurately in an item on the program Today Tonight.

On 29 March 2005, the ABA received a complaint from Pfizer Australia Pty Ltd regarding a segment broadcast on the Today Tonight program on 15 November 2004. The item concerned a link between a cholesterol-lowering drug Lipitor, which is manufactured by Pfizer, and memory loss. The complainant alleged that the licensee failed to present factual material accurately, presented material in a manner that created public panic and failed

to provide a response to the complaint.

The Australian Media and Communications Authority took over the role and responsibilities of the ABA from 1 July 2005.

ACMA determined that the licensee of ATN breached clause 4.3.1 of the Commercial Television Industry Code of Practice 2004 in relation to the accuracy of the reporter's statement that most doctors know nothing about the link between memory loss and statins and also breached clause 7.9 of the code by failing to provide a substantive written response to the complainant.

ACMA found the licensee of ATN did not breach clause 4.3.2 of the code in that it did not present material in a manner

that created public panic.

The licensee did not accept the breach finding regarding the accuracy of the reporter's statement, however, ACMA was not persuaded by an additional submission from the licensee and upheld its preliminary breach finding.

In relation to the complaint handling breach, ACMA noted that the licensee has issued all news and current affairs personnel an instruction that appropriate and diligent procedures for written correspondence must be put in place prior to taking any leave. ACMA considers this action addresses the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard.