

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. The reports are arranged in order of licensee.

Material likely to vilify Indonesians broadcast by 2GB on *Your Sydney Weekend*

ACMA found that the licensee of 2GB Sydney, Harbour Radio Pty Ltd, breached the Commercial Radio Code of Practice by broadcasting material that was likely to vilify Indonesian judges on the basis of race and nationality and Indonesian people on the basis of nationality.

The breach arose from material included in the *Your Sydney Weekend* program hosted by 2GB's then stand-in presenter, Malcolm T. Elliott, broadcast on 15 May 2005. ACMA

also found that the program was not presented reasonably for one of the purposes specified in the code. In this case, it related to purposes in the public interest, including discussion or debate about any act or matter.

ACMA found 2GB breached clause 1.3(e) of the code. Under this clause, a licensee must not broadcast a program which is likely to incite or perpetuate hatred against or vilify any person or group on the basis of a number of attributes, including

nationality.

The licensee advised ACMA that it took 'swift and appropriate action' after the broadcast and that:

- the presenter was no longer employed by 2GB and has not been on air since the broadcast
- the licensee has sent an apology to the Indonesian Ambassador and Consul-General and asked the presenter to do the same, and
- the licensee has emphasised in its annual compliance training for

operational staff that comments such as those made in the broadcast would not be tolerated on 2GB.

ACMA considers these actions address the compliance issues raised by the investigation in this instance, but will closely monitor the licensee's performance.

The investigation report is on the ACMA website at www.acma.gov.au.

Mornings with Ray Hadley on 2GB misrepresented viewpoints and presented material in a misleading manner

Sydney's 2GB agreed to issue a clarification regarding comments made on its *Mornings with Ray Hadley* program last year, following an ACMA investigation that found the program misrepresented viewpoints expressed to it for broadcast and presented material in a misleading manner.

The investigation followed a complaint received in 2006 relating to comments made by Ray Hadley on

the program about the source of funding for an overseas trip taken by the complainant the previous year. ACMA found that Harbour Radio Pty Ltd., 2GB's licensee, had breached clause 2.2(d) of the *Commercial Radio Codes of Practice 2004* by stating that Austrade had paid for the complainant's trip to China, when views expressed to the licensee for broadcast indicated otherwise.

Under clause 2.2(d) of the code,

viewpoints expressed to licensees for broadcast must not be misrepresented and material must not be presented in a misleading manner by giving wrong or improper emphasis or by editing out of context.

In addition to issuing the clarification, the licensee undertook to issue a notice to the station's presenters and producers emphasising the code's requirements,

while highlighting compliance with clause 2.2(d) as part of its internal code compliance training program in 2007. ACMA considers these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's performance.

The investigation report is on the ACMA website at www.acma.gov.au.

Today Tonight did not present factual material accurately

ACMA has found that Channel Seven Brisbane Pty Ltd, the licensee of BTQ Brisbane, failed to present factual material accurately during *Today Tonight* on 20 October 2005.

The findings follow an ACMA investigation into a complaint that the relevant segment of the *Today Tonight* program about the involvement of the complainant in a company responsible for distributing

a weight loss product did not present factual material accurately and failed to represent viewpoints fairly.

The breach of clause 4.3.1 of the *Commercial Television Industry Code of Practice 2004* was in relation to the reporter's statement: 'call him naïve, but [KM] didn't bargain on his good mate [the complainant] running off with an estimated two million dollars'.

The licensee did not breach clause 4.3.1 of the code in relation to the fair representation of viewpoints by not referring to the administrator's report or presenting the administrator's views on the matter in the broadcast.

ACMA has met with the Seven Network to discuss actions it might take to address *Today Tonight's* failure to comply with the code of

practice. While ACMA has decided that no further action is warranted in this case, discussions are continuing about matters raised in investigations into other complaints about the *Today Tonight* program.

The investigation report is on the ACMA website at www.acma.gov.au.