

Seven breaches minister's privacy but broadcast in the public interest

The ACMA has found that an ATV Seven broadcast of a news story about the resignation of the former NSW Transport Minister, David Campbell, was in the public interest despite the fact that it invaded his privacy.

The broadcast, which showed Mr Campbell leaving a gay club, clearly used material about his personal and private affairs. However, because the broadcast explained the minister's resignation it did not breach the privacy provisions of the Commercial Television Industry Code of Practice 2010.

Using the material to provide a deeper explanation of the circumstances behind the resignation was the only public interest justification for the broadcast. ACMA Chairman Chris Chapman dismissed all other matters touched on by Seven in its broadcast or put forward as public interest justifications as incorrect, ill-founded or irrelevant.

'Broadcasters cannot simply invoke blandly asserted public interest justifications for flagrant privacy breaches,' he said.

'The analysis of the issues raised by the broadcast required a careful consideration of the rights Mr Campbell had to his privacy, as well as the public interest in understanding the reasons for his resignation. This analysis was against the background of ongoing public discussion of the minister's discharge of his duties in government and public administration.

'This was an on-balance finding which relates to the particular circumstances of this case, and should be treated very carefully in terms of precedent value by licensees.

'The Authority regards invasions of personal privacy as very serious matters, and specifically noted that public figures, including politicians, remain as entitled to have their privacy respected under the code as ordinary citizens. However, the subsequent application of the public interest test to public figures may be a different matter.'

The former minister did not instigate the ACMA investigation. It was conducted in response to two complaints from members of the public. In its investigation, the ACMA applied its *Privacy guidelines for broadcasters 2005*, which are currently being reviewed.

The ACMA also found that the broadcast did not breach clause 1.9.6 of the code, as it was not likely to provoke intense dislike, serious contempt or severe ridicule against the minister on the grounds of sexual preference. 🗨️

The investigation report, including full details of the Authority's conclusions, is available on the ACMA website at www.acma.gov.au (go to About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports > Television operations investigations > Television operations – NSW commercial TV investigations).

Privacy guidelines for broadcasters 2005 is also available on the ACMA website (go to For licensees & industry: Content requirements > Broadcasting: Regulating broadcast content > Guidelines > Privacy).