



WIN 9 Southern NSW

Accuracy, correction of significant errors

Complaint

On 23 September 2003, the ABA received an unresolved written complaint from the Australian Customs Service (ACS) regarding a program promotion and segment entitled 'Stitched Up', broadcast by WIN Television in the *60 Minutes* program on 15 June 2003.

The complainant raised concerns relating to the general presentation and structure of the report, and alleged that specific facts were not presented accurately and viewpoints were not represented fairly.

Decision

The ABA determined that, during a broadcast of *60 Minutes* on 15 June 2003 WIN Television NSW Pty Ltd:

- breached clause 4.3.1 of the Commercial Television Industry Code of Practice (1999), in its presentation of factual material
- breached clause 4.3.11 of the code by failing to make reasonable efforts to correct significant errors of fact at the earliest opportunity
- did not breach clause 4.5 of the code in presenting factual material accurately in the program promotion
- did not breach clause 7.9 of the code in relation to complaints handling.

Action taken

After considering the preliminary findings of this report, WIN Television made the following comments:

- WIN broadcast the program under the terms of its Network Affiliation Agreement with the Nine Network
- the Nine Network as producer of the program and the originating broadcaster, has sole control of the content of the report and the production of the program
- the ACS complaint was initially directed to the Nine Network, specifically to the producer of the program. Furthermore, the complainant and program producer had been in contact during the making of the report and
- WIN has relied on the input of the Nine Network in addressing this complaint.

The ABA notes the licensee's comment that, pursuant to clause 1.5.2 of the code, it relied on the Nine Network, as producer of the program, to ensure compliance with the code.

While the ABA considers that this does not discharge the licensee, as the broadcaster, from the code obligations, it notes that WIN Television has advised the ABA that it intends to use its best endeavours to ensure that the program producer and supplier take the necessary steps to ensure staff awareness and compliance with the code of practice. It also notes that the Nine Network has informed WIN that it has taken steps to achieve this. ☐

Investigation reports : breach findings

To view the full report on these investigations, go to the ABA web site:

www.aba.gov.au/tv/investigations/breach_findings/ or

www.aba.gov.au/radio/investigations/breach_findings/

where the reports are arranged according to month of completion.