



# Investigations

## Action taken

In response to the breach finding, the licensee has brought the findings to the attention of the network's classifiers.

The ABA considers that the inappropriate classification of this episode was an isolated error and not part of a pattern of misjudgement or systemic

failure. The ABA will continue to monitor the licensee's performance against the relevant code provision. ☐

## GTV 9 Melbourne

### Failure to present factual material accurately

The ABA has found that General Television Corporation Melbourne Pty Ltd, the licensee of commercial television service GTV Melbourne, breached the Commercial Television Industry Code of Practice 2004, by not presenting factual material accurately.

#### The complaint

On 3 December 2004, the ABA received a written complaint from Telstra Corporation Limited regarding a segment broadcast by the licensee on *The Today Show* on 28 July 2004. The complainant

alleged that the licensee failed to present factual material accurately.

The program segment reported on mobile telephone dropout rates and interviewed people on the street as well as the then Federal Opposition spokesperson, Lindsay Tanner.

#### Decision

The ABA determined that the licensee breached clause 4.3.1 of the Commercial Television Industry Code of Practice 2004 in that it did not present factual material accurately.

#### Action taken

The ABA notes that in response to the breach findings, the licensee has undertaken to discuss the final report with the relevant producers of *The Today Show*, and the report will be used as an example in ongoing training in relation to the application of the code.

The ABA considers that these actions address the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard. ☐

## NBN Northern NSW

### Privacy

The ABA has found that NBN Ltd, the licensee of commercial television service NBN Northern New South Wales, breached the Commercial Television Industry Code of Practice 1999 by using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast.

#### The complaint

On 4 November 2004 the ABA received an unresolved written complaint re-

garding a segment of the current affairs program *60 Minutes*, entitled 'Devil's Playground', broadcast by NBN on 21 March 2004. The complainant alleged that the licensee failed to present factual material accurately, that her privacy had been invaded and that her letter of complaint to the licensee about the program had not been responded to.

The ABA wrote to NBN Ltd seeking comments on the complaint and a tape of the relevant segment. Nine Network

Australia Pty Ltd, the producer of the program, responded to the ABA on behalf of NBN.

#### Decision

The ABA determined that the licensee:

- did not breach clause 4.3.1 of the code (accurate presentation of factual material)
- did not breach clause 7.9 of the code (complaints handling) but
- breached clause 4.3.5 of the code by using material that invaded an individual's privacy when there were no public interest reasons for the material to be broadcast. ☐

Investigation reports into matters relating to broadcast operations are on the ABA website:

[www.aba.gov.au/newspubs/radio\\_TV/investigations.shtml](http://www.aba.gov.au/newspubs/radio_TV/investigations.shtml)