

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.

Four Corners breached ABC code

ACMA found that the Australian Broadcasting Corporation (ABC) breached its *Code of Practice 2002* by failing to make every reasonable effort to ensure that a *Four Corners* program broadcast in February 2004 about the forestry industry in Tasmania was impartial. ACMA also found the ABC failed to make every reasonable effort to ensure that the factual content of the program was accurate.

ACMA received three separate complaints about the program entitled 'Lords of the Forests', all of which alleged that the program was not accurate, balanced or impartial. ACMA dealt with all three complaints together.

The investigation found that the ABC had breached the code in relation to impartiality, in that it failed to make every effort to ensure that the program was impartial, and in relation to

accuracy, in that it failed to make every effort to ensure that the factual content of the program was accurate about the discovery of Tasmania and the properties of Huon Pine. The ABC also failed to correct the errors in a timely manner. ACMA also found that the ABC did not breach the code in relation to accuracy about other allegations raised in the complaint, nor did it breach the code in relation to balance.

While one instance of emotive or subjective language in isolation would not be sufficient to amount to a breach of the code, the cumulative impact of the instances of subjective and emotive language over the course of the program was the principal reason that the program was not impartial. ACMA recognises the nature of current affairs reporting and that it requires reporters and presenters to be

questioning and, at times, sceptical, in their analysis of important issues. The requirements in the ABC code about accuracy and impartiality in news and current affairs programs are more stringent than those applying to other broadcasting sectors.

In its report, ACMA recommends that, when the code is next reviewed, the ABC should make specific reference in it to what it considers to be 'timely' when correcting errors. The ABC should also review its procedures for preparing television current affairs programs so that every reasonable effort is made to ensure the impartiality of those programs.

Under the *Broadcasting Services Act 1992*, a person can complain to ACMA if they have previously complained to the ABC about an alleged breach of an ABC code of practice, and

the person has not received a response to the complaint within 60 days, or the person considers that the response is inadequate. The three complaints were received on 13 May 2004, 23 December 2004 and 13 January 2005. Before bringing their concerns to ACMA, two of the complainants had taken their complaints to the ABC's Independent Complaints Review Panel, which assesses complaints against the ABC's editorial policies. The panel upheld the elements of the complaints that were related to an inaccurate map of Tasmania, unsourced vision and emotive language.

The report is on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Broadcasting > Investigations > Television operations).

Two community radio investigations find breaches

2RES BROADCAST ADVERTISEMENT

ACMA has found that Radio Eastern Sydney Cooperative Ltd, the licensee of community radio service 2RES, breached the *Broadcasting Services Act 1992* by broadcasting an advertisement.

A complaint alleging that on 22 January 2006 the licensee of 2RES had broadcast an advertisement during the program *Monika Geetmala* (also known as *Voice of India*) was received on 23 January 2006.

ACMA's investigation found that the licensee of 2RES breached clause

9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act in that it broadcast an advertisement for a restaurant.

The licensee has ensured that the presenter of the program is aware of his obligations by reinforcing the need for diligence when presenting a program. ACMA considers that this is adequate to address the compliance issues raised by the investigation and will continue to monitor the licensee's performance.

7THE FAILED TO RESPOND TO COMPLAINT

ACMA has found that Hobart FM Incorporated, the licensee of

community radio service 7THE Hobart, breached the Community Broadcasting Code of Practice by failing to respond to a complaint.

A written complaint alleging that the licensee of 7THE had failed to provide a written response to a complaint, as required by the code, was received on 18 August 2005. ACMA found that Hobart FM had breached clause 74(c) of the Community Broadcasting Code of Practice because it had failed to respond to the complaint about a matter covered by the code within 60 days.

Hobart FM advised ACMA that it

has taken action to ensure that another breach of this clause would not occur. All mail received by the station is now delivered to a central point where it is inspected by the station's president before distribution to the appropriate person within the station to ensure complaints are dealt with immediately. ACMA considers that this addresses the compliance issue, noting that this is the first time the licensee has been found in breach of this code requirement.