

A *Current Affair* did not present factual material accurately

ACMA found that TCN Channel Nine Pty Ltd, licensee of commercial television licensee TCN Sydney, breached the commercial television code of practice by failing to present factual material accurately during a segment of the program *A Current Affair*.

A complaint was received about a segment entitled 'What's in it?' about the use of antibiotics in chickens and the effect this may have on human health. The complainant alleged that the segment had contained 'false and misleading claims related to chicken meat'.

ACMA's investigation found that the licensee of TCN had breached clause 4.3.1 of the Commercial

Television Industry Code of Practice, in that the reporter's references to the sampling of chicken for bacteria and the results of the sampling, had failed to present factual material accurately.

TCN advised ACMA that it will address the compliance issues raised by this breach with the reporter and journalist involved with the segment. The breach will also be used in the network's compliance training program, which includes the licensee's obligations to present factual material accurately. ACMA considers that the licensee's actions address the compliance issues raised by the investigation.

If a person wishes to complain

about something on a TV or radio program that is covered by a code of practice, the person must first make a written complaint to the station (if a complaint relates to a matter covered by a licence condition, the person can complain directly to ACMA and need not complain to the station first). There is a different code of practice for each broadcasting sector, and each code of practice contains a section that explains the complaints process that applies to that sector.

Complainants must provide a copy of their complaint to the station and the station's reply if one has been received, and any other relevant correspondence with the station.

ACMA takes all complaints seriously (except for those that are frivolous or vexatious or not made in good faith) and acknowledges all complaints in writing. For valid complaints, ACMA offers the station an opportunity to give its side of the story. When all relevant information is available, ACMA assesses the complaint against the licence condition or code of practice and must notify a complainant of the results of the investigation.

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

Unlicensed radio operator fined and transmitter forfeited

After a detailed investigation by ACMA inspectors, Mr George Leoudis of Hurlstone Park, New South Wales, the operator of a Sydney Greek-language radio service, was last week convicted and fined for operating an unlicensed radio transmitter.

After pleading not guilty to an offence against the *Radiocommunications Act 1992*, for the unlicensed operation of a radiocommunications device, Mr Leoudis received a penalty of \$4,000 plus court costs totalling \$65, while his radio transmitter was forfeited to the Commonwealth. Licensing of radiocommunications devices is often essential to avoid interference to other spectrum users. Any implicit sanctioning of illegal operators also disadvantages legitimate operators who may have paid substantial sums for access to scarce parts of the spectrum.

ACMA Chairman Chris Chapman said that while ACMA's default approach to compliance is to negotiate and resolve matters, several recent

In handing down his sentence in the Downing Centre Local Court, Sydney, on 19 July 2006, Magistrate Brennan told Mr Leoudis that the operation of

Director of Public Prosecutions when unlicensed transmissions were made by Mr Leoudis from May to July 2005 after he had received warnings about such conduct. A complaint was received from a narrowband area service licensee complaining of interference to his service allegedly being caused by another transmitter broadcasting on the VHF band frequency licensed to him.

An investigation found that the transmissions were coming from a location in Hurlstone Park, New South Wales, and the sole tenant of the property was Mr George Leoudis. Mr Leoudis was the former licensee of the affected frequency, but he had not renewed the licence when it had expired. Before the investigation began, Mr Leoudis had been issued with warning notices about the operation of narrowband area services without a licence.

WHAT IS A NARROWBAND AREA SERVICE STATION?
 The operation of a narrowband area service station is authorised by a radiocommunications apparatus licence issued under the narrowband area service licensing option within the broadcast licence type.
 Narrowband area service stations are normally authorised to provide a service using non broadcasting services band frequencies. Narrowband area service stations may operate in appropriate parts of the VHF and MF frequency bands and are usually used to provide 'narrowcasting' programming (within the meaning of the *Broadcasting Services Act 1992*).
 Narrowcasting services must have reception limited in some way, for example, by being targeted at special interest groups or by providing programs of limited appeal.

court successes (including this judgement) demonstrate the regulator's willingness to prosecute when necessary.

the transmitter without a licence was a 'blatant act' on his part.

The matter was initially referred to the Commonwealth