



I n v e s t i g a t i o n s

BTQ 7 Brisbane

Invasion of privacy and accuracy and fairness

Complaint

In November 1998 the AIBA received an unresolved complaint in relation to a number of news and current affairs broadcasts by BTQ 7 Brisbane between 3 April and 6 May 1997 which related to Senator Mal Colston and his family. The complainant alleged that the reports concerning the Colston family contained inaccuracies, they were not fair and impartial and in some instances constituted an invasion of privacy.

Relevant code of practice

The Commercial Television Industry Code of Practice (1993) is applicable to this complaint. Section 4 of the code relates to the broadcasting of news and current affairs programs and provides, in part:

4.3 In broadcasting news and current affairs programs, licensees:

4.3.1 must present factual material accurately and represent viewpoints fairly, having regard to the circumstances at the time of preparing and broadcasting the program; ...

4.3.5 must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there are identifiable public interest reasons for the material to be broadcast; ...

4.3.8 must make reasonable efforts to correct significant errors of fact at the earliest opportunity.

4.4 In broadcasting news programs (including news flashes) licensees:

4.4.1 must present news fairly and impartially;

4.4.2 must clearly distinguish the reporting of factual material from commentary and analysis.

Decision

The ABA determined that the licensee of BTQ 7, Brisbane TV Limited:¹

- breached clauses 4.3.1, 4.3.8 and 4.4.1 of the

code in its coverage of incidents between David Colston and the media broadcast between 3 April and 6 May 1997;

- breached clause 4.3.5 of the code in broadcasting news and current affairs segments dealing with incidents involving David Colston and the media and Douglas Colston and a television crew at the Colston properties in Brisbane and Canberra respectively;

- did not breach clause 4.3.1 of the code in news and current affairs segments or clause 4.4.1 in news broadcasts between 3 April and 6 May 1997 which reported on the allegations against Senator Colston;

- did not breach clause 4.3.1 of the code in news and current affairs segments or clause 4.4.1 in news broadcasts on or about 5 May 1997 which covered the incident between Douglas Colston and the media in Canberra; and

- did not breach clause 4.4.2 of the code in news broadcasts between 3 April and 6 May 1997 which reported on the Colston family.

Action taken

The Seven Network disagreed with the ABA's findings but advised that all relevant BTQ 7 staff would be made aware of them and would be requested to take them into consideration in preparing future news reports.

The ABA notes that, before its findings in this investigation, the licensee of BTQ 7 had been found in breach of clause 4.3.5 of the code on one occasion in a current affairs broadcast on 12 May 1999. There have been no prior breaches by this licensee of clause 4.3.1 or clause 4.4 of the code. The ABA accepts BTQ 7's undertakings on this occasion, and does not propose to take any other action in relation to these breaches.

¹ The name of the licensee at the time of the broadcasts which were the subject of the complaint.