

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. The reports are arranged in order of licensee.

Telstra report on *Today Tonight* breached code

ACMA found that the licensee of ATN, Channel Seven Sydney Pty Ltd, has breached relevant provisions of the *Commercial Television Industry Code of Practice 2004* in *Today Tonight* broadcasts about certain Telstra's operations. The breaches mainly relate to accuracy and fair representation of viewpoints arising from broadcasts in September and October 2005.

Following discussions with the ACMA Chairman, the licensee has directly addressed the issues raised by ACMA's investigation with Telstra at senior levels. The licensee has also committed to take actions to better raise awareness of ACMA's concerns in relations to these broadcasts with all relevant news and current affairs staff, including senior management, so that they are taken into account in future stories. This will include using this particular investigation in network training programs, as well as the reporting of this specific investigation to the Seven Network board.

In light of the action taken by the licensee, in particular its action in addressing issues directly with Telstra, ACMA does not intend taking further action in this instance. However, ACMA will continue to

monitor the licensee's compliance with the relevant code provisions.

ACMA is concerned about the number of recent complaints it has received relating to potential breaches of clause 4.3.1 of the code by news and current affairs programs generally. It will be closely monitoring this trend, including whether it raises issues for consideration in the forthcoming review of the code, expected to commence by mid-2007.

ACMA also considers that clauses 1.5 and 1.6 of the code enable broadcasters to effectively handle potential areas of complaint or consumer concern by acting quickly and actively to address 'reasonable mistakes' as soon as practicable after they are identified to the broadcaster. Broadcasters should actively assess this aspect of their programming to better ensure that viewers are informed of reasonable mistakes or other relevant matters as close to the time of the broadcast as possible.

The investigation report is on the ACMA website at www.acma.gov.au.

7XXX Hobart did not present factual material accurately on *John Laws Morning Show*

An ACMA investigation found that Hobart's 7XXX breached the Commercial Radio Code of Practice by failing to present factual material accurately and by failing to provide a substantive response to a complaint about the broadcasts. The breach relates to broadcasts on 31 August and 10 September 2004 of the *John Laws Morning Show*, a program produced by Sydney's 2UE, which at the time was broadcast on relay by 7XXX.

Presenter John Laws stated in the broadcasts that the Greens Party was recommending that ecstasy and other illegal drugs should be 'sold over the counter'. ACMA found that this did not present the Greens' drugs policy accurately.

ACMA also found that 7XXX's licensee, Great Southern Land Broadcasters Pty Ltd., failed to provide a substantive response to a complaint about the broadcasts. The complainant had written to 7XXX, which advised that the complaint had been forwarded to 2UE as the program producer. The complainant did not receive any further response from either 7XXX or 2UE and referred the matter to ACMA six months later.

2UE advised ACMA that it had not received the complaint from 7XXX. ACMA determined that 2UE was not required to respond to the complaint under the code and that the obligation remained on 7XXX, as the broadcaster of the program, to ensure that the complainant received a substantive response, such as following up with 2UE.

The licensee has subsequently stated that it intends to take full and proper account of ACMA's decision. It has also advised that the *John Laws Morning Show* has been replaced with another program produced by the network that owns 7XXX. The licensee considers that it is in a position to exert direct control over the contents of the new program and immediately address any complaints.

In light of the expression of 7XXX's intentions and the changes that have taken place at the station since the broadcasts, ACMA does not intend taking any further action in this instance and will continue to monitor the licensee's compliance with the relevant code provisions.

The investigation report is on the ACMA website at www.acma.gov.au.