

Jenny Allen

From: Broadcasting
Sent: Monday, 20 January 2020 9:58 AM
To: 'QBCC Legal Branch'; Broadcasting
Subject: RE: ACMA Investigation BI-535 Seven News [SEC=OFFICIAL]

Thank you Mr Barclay,

We acknowledge receipt of the below information.

With thanks,

[Redacted Signature]

Content Investigations Section

Australian Communications and Media Authority
E broadcasting@acma.gov.au
acma.gov.au



communicating | facilitating | regulating

From: QBCC Legal Branch <QBCC.LegalBranch@qbcc.qld.gov.au>
Sent: Wednesday, 15 January 2020 4:37 PM
To: Broadcasting <Broadcasting@acma.gov.au>
Subject: RE: ACMA Investigation BI-535 Seven News [SEC=OFFICIAL]

Dear Antonny,

Thank you for enquiring into the complaint made by the QBCC to ACMA on 11 October 2019. One of the complaint items sent to Channel 7 in our letter of 28 August 2019 concerned an allegation of misrepresentation of statistics of cancelled builders licences mentioned in the 31 July news story. The QBCC no longer presses for an investigation into that allegation and accepts the response provided by Channel 7.

In relation to your request for information about the allegation concerning Mr Agius supposedly identifying defective building work allegedly ignored by the QBCC, the following is provided:

The 31 July 2019 Channel 7 news story opened with an on-site interview with Mr Agius identifying alleged defective building work which he said was ignored by the QBCC. Specifically from that story it appears that Mr Agius is indicating the following defects which are time stamped. An explanation on why they are additional items not presented to QBCC is provided after the defect:

- Joists fixing under the house (00:29; 00:38)- The joist which appears to come out of the joist hanger was not part of the complaint form and therefore not inspected by the QBCC.
- Loose attachment (nut being loose) (00:49)- Was not mentioned in the complaint but may form part of the complaint regarding inadequate fixings. This was determined by the QBCC that no defect was evident. A structural engineer approved the joist fixing.
- Cyclone rod penetrating under joists blocking (00:36; 00:48; 00:54)- Not mentioned as part of Mr Agius' complaint and therefore not inspected.
- Nailing of external cladding (not visible)- This was a complaint item from Mr Agius and a direction to rectify was given to the builder. QBCC determined the builder had rectified the defect.
- Plumbing penetration from floor (00:55) – This was not mentioned by Mr Agius in his complaint to the QBCC and therefore not inspected.

- The joist blocking in various locations (00:54) – This was not mentioned by Agius in his complaint to the QBCC and therefore not inspected.
- Site drainage under dwelling (00:59)- This was a complaint item from Mr Agius and a direction to rectify was given to the builder. QBCC determined the builder had rectified the defect.

The effect of the story was that the QBCC had ignored the complaint of Mr Agius. Following the Channel 7 news story of 30 July, Channel 7 approached the Commissioner of the QBCC for a story. No mention of Mr Agius' case was made to the Commissioner, nor was he advised that the story to run on 31 July 2019 focused on alleged defective work ignored by the QBCC. Had the Commissioner been advised of that, he would have been in a position to respond accordingly and rebut the assertions made by Mr Agius (as seen in the above dot-points) and to be properly briefed on the subject matter.

The QBCC stands by its privacy concerns, however a generalised response could have been provided that all items identified in a home-owner's complaint form are inspected for defects and where identified, builders may be directed to rectify those defects. It is clear that the majority of items presented in the news story were not subject of Mr Agius' complaint or had been rectified.

The QBCC still relies upon its written complaint to Channel 7 and the online complaint to ACMA, save for the excluded allegation identified above.

Please do not hesitate to contact me should you require any further information.

Kind regards,

Steve Barclay
Director
Legal Services

P +61 7 3613 3066 **F** +61 7 3225 2939

GPO Box 5099, Brisbane QLD 4001



Queensland Building and Construction Commission acknowledges the Traditional Owners of the land, and pays respect to Elders past, present and future.

From: Broadcasting <Broadcasting@acma.gov.au>
Sent: Wednesday, 8 January 2020 6:55 AM
To: Steve Barclay <Steve.Barclay@qbcc.qld.gov.au>
Subject: ACMA Investigation BI-535 Seven News [SEC=OFFICIAL]

ACMA file reference: BI-535

Dear Mr Barclay,

Investigation about *Seven News*, broadcast on Seven on 30 July 2019 and 31 July 2019 – request for further information

As you are aware, the Australian Communications and Media Authority (the ACMA) is conducting an investigation into your complaint concerning the compliance of Channel Seven Brisbane Pty Limited (Seven) with the Commercial Television Industry Code of Practice 2015 (revised 2018).

The ACMA is seeking further information from you to assist with investigating your complaint.

Your complaint to Seven stated that the news story broadcast on 31 July 2019 identified complaint items additional to those identified by Mr Agius's engineers. In order to assist our investigation, could you please provide details about which of these 'additional' items appeared in the broadcast by noting the relevant time codes when the 'additional' items appear, from the attached video file of the broadcast.

Your complaint also alleged that the 31 July broadcast was not impartial, as it did not provide the QBCC Commissioner with an opportunity to respond to the allegations made by Mr Agius. Seven's response to your complaint, provided in your complaint to the ACMA, stated that the allegations weren't put to the Commissioner in the interview because Seven had been informed by a QBCC media officer that the Commissioner 'could not go on record in relation to specific matters due to privacy concerns'. Please provide any further relevant information regarding Seven's efforts to obtain the QBCC's views about Mr Agius's concerns.

Please submit your comments on these matters by **5.00 pm, Wednesday 15 January 2019**.

Please note that giving false or misleading information to the ACMA in the course of an investigation is a serious offence. This includes information that may be misleading due to omission.

If you have any questions about this matter please don't hesitate to contact me.

Yours sincerely,

Antonny Ivancic

Senior Investigations and Compliance Officer
Content Investigations Section

(Monday – Thursday)

Australian Communications and Media Authority

E broadcasting@acma.gov.au
www.acma.gov.au



communicating | facilitating | regulating

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

This electronic message and any attachments may contain privileged and/or confidential information and is intended only for the addressee. Any unauthorised use of this material is strictly prohibited. If you have received this message in error, please notify the sender immediately by return e-mail, delete the message and any attachments and destroy any printed copies. Any views expressed in this message are those of the sender, except where the sender specifically states them to be the views of the Queensland Building and Construction Commission. The Commission does not accept any responsibility for any loss or damage that may result from reliance on, or the use of, the information contained in this message and attachments. The Queensland Building and Construction Commission is a statutory body and is subject to the Right to Information Act 2009 and Information Privacy Act

2009. You must assume that any material sent to the Commission may be accessible by persons other than the intended recipient.