

Jenny Allen

From: Broadcasting
Sent: Wednesday, 8 January 2020 2:37 PM
To: 'Steve Barclay'
Subject: RE: ACMA Investigation BI-535 Seven News [SEC=OFFICIAL]
Attachments: Complaint and Response re Channel 7 broadcast.pdf

Dear Steve,

Thank you for your reply.

The following complaint was submitted using the ACMA's online broadcasting complaint form:

Broadcast which invades a person's privacy; Broadcast which did not present news fairly and impartially

The Channel 7 broadcast on 30 July 2019 displayed two QBCC letters and which clearly identified two QBCC officer's names, both of which were not relevant to the broadcast. This was an unwanted and uninvited intrusion upon a person's private affairs. The broadcast of the officers' names without consent was not warranted. The officers' names are clearly identifiable from the broadcast and despite the assertions from Channel 7 the intrusion was 'fleeting' does not account for the pausing or recording of live television for later viewing. The key points to the broadcast could have been made and the public interest served without disclosing personal information. Further, the broadcast blurred the contents of the letters yet did not blur the names of the QBCC officer. The clear inference is that the names of the officers were somehow important to the story, which is not the case.

The broadcast on 31 July 2019 centred on a complaint from a Mr Mark Agius. Mr Agius had pre-recorded an interview with the Channel 7 reporter at his residence in Townsville, yet during the QBCC Commissioner's interview with the same reporter on the afternoon of 31 July 2019 the reporter failed to mention the complaint of Mr Agius, nor were any questions put to the Commissioner about the complaint. The broadcast failed to mention that the QBCC had been in contact with Mr Agius on a number of occasions in relation to his complaint. Accordingly, there was no fair treatment or opportunity given to the Commissioner to express an opinion; the principle of gathering and presenting balanced information with due impartiality was disregarded;

The document attached to this email accompanied the above online complaint. It includes the QBCC's original complaint to Seven and Seven's response. The ACMA understood your complaint to the ACMA to incorporate both the online complaint and the matters contained in your original complaint.

The ACMA is investigating your complaint about the 30 July broadcast with respect to compliance with the privacy provisions of the Commercial Television Industry Code of Practice 2015 (revised 2018)(the Code); and the 31 July broadcast with respect to compliance with the accuracy and impartiality provisions of the Code.

Please give me call if that would assist.

Regards,

Antonny Ivancic
Content Investigations Section

Australian Communications and Media Authority

www.acma.gov.au

From: Steve Barclay <Steve.Barclay@qbcc.qld.gov.au>
Sent: Wednesday, 8 January 2020 10:13 AM
To: Broadcasting <Broadcasting@acma.gov.au>
Subject: RE: ACMA Investigation BI-535 Seven News [SEC=OFFICIAL]

Good morning Antonny,

As the complaint was made online to ACMA, would you please , send me a copy of the complaint as I understand we may have abandoned one or more of the allegations, but I cannot be sure until I see the final complaint that you are investigating.

Thank you,

Kind regards

Steve Barclay
Director
Legal Services

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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.Barcly@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



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