



## Al Manar programming on TARBS

The ABA has been conducting an investigation into the broadcast of the Lebanon-based satellite television channel Al Manar by subscription narrowcast television licensee, Television & Radio Broadcasting Services Australia Pty Ltd (TARBS).

During the investigation, the ABA considered whether certain material in programs provided by Al Manar was in breach of Federal anti-terrorism laws, including material that appeared to solicit funds for organisations linked with terrorism. It concluded that if such material were broadcast with the intent to solicit funds and the broadcaster was reckless as to whether or not the funds would be used for terrorism purposes, it could constitute use of the broadcasting service in the commission of an offence. This would be a breach of the conditions of the subscription narrowcast television class licence, however, intent must be established in order to find a breach.

The ABA found no evidence that TARBS had broadcast the material with the requisite intention. Accordingly, there is no suggestion of a breach of the conditions of the subscription narrowcast television class licence.

The ABA believes this discloses a deficiency in the rules governing subscription narrowcasters.

The ABA proposes to examine use of its powers to ensure that there are appropriate community safeguards in respect of programming of the type provided on the Al Manar channel. The range of powers available to the ABA in this instance is broad, and includes the power to specify an additional condition on class licences and the power to determine a program standard.

The ABA reviewed a significant amount of Al Manar programming during its investigation. The ABA is concerned that some material was of a type that could breach the provisions of the codes of practice for subscription narrowcast television. The codes say that narrowcasters will present accurate and fair news and current affairs programs and will not broadcast programs that are likely to incite or perpetuate hatred against or gratuitously vilify any person or group on the basis of their ethnicity, nationality, race or religion.

The ABA is also concerned that some broadcasters of services provided under class licences appear not to be retaining records of relevant matter broadcast (as required by subclauses 5(2) and 5(3) of Schedule 2 to the *Broadcasting Services Act 1992*). The ABA reminds subscription and open narrowcast television services that if they broadcast matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, they are required to cause a record of the matter to be made and retained in their custody for the periods set out in Schedule 2.

The ABA's investigation into the TARBS service began on 23 October 2003. The ABA recently decided not to finalise the investigation, noting that TARBS has gone into receivership. TARBS ceased to provide the Al Manar service on 5 November 2003. The ABA is aware of media reports that the Al Manar channel was available through satellite broadcaster Globecast Australia. However, Globecast Australia is not currently providing the service. ☐

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## ATN 7 Sydney

### Accuracy, representation of viewpoints and complaints handling

#### The complaint

On 17 September 2003, the ABA received a complaint from the Australian Red Cross Blood Service regarding factual content, representation of viewpoints and complaint handling in relation

to the item 'Bad Blood' broadcast on *Today Tonight* on 12 June 2003.

The complainant also claimed that the broadcast was unduly alarmist and irresponsible, due to the inaccuracy of the overall report, and had