

## Jenny Allen

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**From:** QBCC Legal Branch <QBCC.LegalBranch@qbcc.qld.gov.au>  
**Sent:** Wednesday, 6 May 2020 3:57 PM  
**To:** [REDACTED]  
**Subject:** RE: CONFIDENTIAL- Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019- Submissions on publication [SEC=OFFICIAL]

Hello [REDACTED]

The redactions used in your report do align with similar writing standards, apart from the Defence Force where rank is often used before an initial eg CAPT B. In your report you use '[REDACTED]' and '[REDACTED]' which at the least identifies the gender of the persons, which in small towns may be sufficient to identify them.

If possible, could you adopt a style that reflects the status of the individual and an identifying letter, such as 'employee X' and 'employee Z'. This way neither the person's gender nor their name has been identified, and as the report already identifies the QBCC as the complainant, their employee status was always going to be pertinent to the report. Using letters X and Z in no way detracts from the report and as you rightly point out, continues to protect their privacy.

Thank you for considering this issue.

Cheers,

**Steve Barclay**

Director  
Legal Services

**P** +61 7 3255 4390

GPO Box 5099, Brisbane QLD 4001



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**From:** QBCC Legal Branch <QBCC.LegalBranch@qbcc.qld.gov.au>  
**Sent:** Wednesday, 6 May 2020 3:32 PM  
**To:** Steve Barclay <Steve.Barcly@qbcc.qld.gov.au>  
**Subject:** FW: CONFIDENTIAL- Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019- Submissions on publication [SEC=OFFICIAL]

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**From:** [REDACTED] >  
**Sent:** Wednesday, 6 May 2020 3:29 PM  
**To:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>  
**Subject:** RE: CONFIDENTIAL- Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019- Submissions on publication [SEC=OFFICIAL]

Dear Mr Barclay,

Thank you for your response in this matter.

I just wanted to clarify, given the privacy concerns raised as part of the complaint, whether QBCC and/or the two officers involved are satisfied with the way the report has been redacted?

Yours sincerely,

[REDACTED]  
Investigations and Compliance Officer  
Content Investigations Section

Australian Communications and Media Authority

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**From:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>

**Sent:** Wednesday, 6 May 2020 3:03 PM

**To:** [REDACTED]

**Subject:** CONFIDENTIAL- Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019 [SEC=OFFICIAL]- Submissions on publication

Dear [REDACTED],

Thank you for your detailed investigation and for the opportunity to submit why your report and findings should be published.

The QBCC takes its role as the regulator of the Queensland building and construction industry very seriously. Just as ACMA is accountable to government and the public for its investigations and enforcement actions, so too is the QBCC accountable to its stakeholders. Transparency is the fundamental aspect of that accountability to both ACMA and the QBCC, which is why the QBCC wholeheartedly endorses the publicising of the outcome of investigations, where there has been a contravention of the law, policies or codes of conduct. Just as the QBCC is held to order for its decisions, so should those who disregard the very standards to which they are held to account.

The Channel Seven News broadcast material subject of your investigation, had the tendency to undermine community and stakeholder confidence in the application of the laws administered by the QBCC. This in turn had the very real possibility that staff morale and performance would be adversely affected.

It is hoped that publishing your findings, together with any enforcement action ACMA deems suitable, will mitigate those possibilities.

The QBCC respectively submits that it is in the public interest to publish, and to publish widely, your report and findings. Factors that support our submission include:- the promotion of confidence in the law and its enforcement; the nature and seriousness of the issues investigated; the inherent unfairness given to the QBCC; the educative and informative effect about the standards of media reporting required; and importantly the public nature of the offending broadcast material, which in this instance was on a national news service in prime time viewing, .

Thank you again for taking our submissions into account in your decision-making.

Yours sincerely,

**Steve Barclay**  
Director  
Legal Services

**P** +61 7 3255 4390 **F** +61 7 3225 2939

GPO Box 5099, Brisbane QLD 4001



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**From:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>  
**Sent:** Friday, 1 May 2020 10:32 AM  
**To:** Steve Barclay <[Steve.Barcly@qbcc.qld.gov.au](mailto:Steve.Barcly@qbcc.qld.gov.au)>  
**Subject:** FW: Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019 [SEC=OFFICIAL]

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**From:** [REDACTED] >  
**Sent:** Friday, 1 May 2020 10:31 AM  
**To:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>  
**Subject:** Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019 [SEC=OFFICIAL]

ACMA reference: BI-535

Dear Mr Barclay,

As flagged yesterday, please find attached the correct version of this investigation report which includes some redactions in the report and attachments.

Please send any representations about the publication of the report to the ACMA by **5pm Friday 15 May 2020**.

Yours sincerely,

[REDACTED]  
Investigations and Compliance Officer  
Content Investigations Section

Australian Communications and Media Authority

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**From:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>

**Sent:** Friday, 1 May 2020 8:06 AM

**To:** [REDACTED]

**Subject:** FW: Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019  
[SEC=OFFICIAL]

Thanks [REDACTED]. Will do.

**Steve Barclay**

Director

Legal Services

**P** +61 7 3255 4390 **F** +61 7 3225 2939

GPO Box 5099, Brisbane QLD 4001



QUEENSLAND BUILDING AND  
CONSTRUCTION COMMISSION

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**From:** [REDACTED]  
**Sent:** Thursday, 30 April 2020 4:23 PM  
**To:** QBCC Legal Branch <[QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au)>  
**Subject:** RE: Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019 [SEC=OFFICIAL]

Dear Mr Barclay,

Further to my earlier email, please disregard the report I attached as it is still subject to redactions we undertake ordinarily. I will send you the redacted report in due course.

Yours sincerely,

[REDACTED]  
Investigations and Compliance Officer  
Content Investigations Section

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E [REDACTED]  
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**From:** [REDACTED]  
**Sent:** Thursday, 30 April 2020 3:10 PM  
**To:** 'qbcc.legalbranch@qbcc.qld.gov.au' <[qbcc.legalbranch@qbcc.qld.gov.au](mailto:qbcc.legalbranch@qbcc.qld.gov.au)>  
**Subject:** Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019 [SEC=OFFICIAL]

ACMA reference: BI-535

Dear Mr Barclay,

**Investigation about Seven News, broadcast on Seven on 30 July 2019 and 31 July 2019**

As you are aware, the Australian Communications and Media Authority (the ACMA) has been investigating your complaint concerning Channel Seven Brisbane Pty Limited's compliance with the Commercial Television Industry Code of Practice 2015 (revised 2018).

The ACMA has completed its investigation and determined that the licensee:

- > breached clause 3.4.1 [impartiality]
- > breached clause 3.5.1 [privacy]

of the Commercial Television Industry Code of Practice 2015 (revised in 2018).

A copy of the final Investigation Report, including the decision and the reasons for that decision, is attached.

The ACMA treats all broadcasting complaints seriously and aims to investigate complaints thoroughly and impartially, and in a timely manner. However, if you have concerns about the way in which the ACMA conducted this investigation you may raise those concerns with the Office of the Commonwealth Ombudsman or seek independent advice about potential avenues of review.

The Ombudsman can investigate complaints about the administrative actions and decisions of Commonwealth government agencies, including the ACMA. More information about the role of the Ombudsman and how to make a complaint is on the Ombudsman's website at: [www.ombudsman.gov.au/](http://www.ombudsman.gov.au/) or you can call 1300 362 072.

### **Proposed publication**

The ACMA proposes to publish this investigation report. Publication may include the full report being posted on the ACMA's website and a summary appearing in the ACMA's Annual Report and other ACMA publications. A media release may also be issued.

Under section 180 of the *Broadcasting Services Act 1992*:

If publication of matter in a report or part of a report would or would be likely to adversely affect the interests of a person, the ACMA must not publish the report or the part of the report until it has given the person a reasonable period, not exceeding 30 days, to make representations, either orally or in writing, in relation to the matter.

### **Next steps**

If you consider your interests are likely to be adversely affected by publication, you are invited to comment on whether the attached report, or any part(s) of it, should not be published by the ACMA.

Please note that the substantive issues in this matter have been determined. The opportunity to make representations is confined to the ACMA's proposal to publish the report.

If you wish to make representations about the publication of the report, these should reach the ACMA by **5pm Thursday 14 May 2020**.


If no comments have been received from you by the due date, the ACMA may proceed to publish the report without further reference to you.

### **Confidentiality**

As this matter has not yet been finalised you are asked to treat the investigation report and outcome as strictly confidential, unless and until the report is published on the ACMA website.

Thank you for bringing your concerns to the ACMA.

Yours sincerely,

  
Investigations and Compliance Officer  
Content Investigations Section

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