



This is the first of what will be quarterly summaries of investigations by the ABA into unresolved complaints and of complaints made to Federation of Australian Commercial television Stations (FACTS) and Federation of Australian Radio Broadcasters (FARB).

Investigating programming issues

Under the *Broadcasting Services Act 1992* (the Act), each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of its section of the industry. The ABA supervises the operation of the codes. It also acts as an independent adjudicator where complaints are not resolved between the complainant and the broadcaster concerned.

The ABA has previously published information about its investigations in *Your Say: A review of audience concerns about Australia's broadcast media*, in 1995 and 1996 and in its *Annual Report 1995-96*. Starting with this edition of *Update*, the ABA will publish quarterly summaries of investigations by the ABA into unresolved complaints and complaints about possible breaches of the Act or licence conditions. Summaries of major investigations will continue to appear monthly in *Update*.

This *Update* also contains, with the cooperation of the Federation of Australian Commercial Television Stations (FACTS) and the Federation of Australian Radio Broadcasters (FARB), quarterly reports of the number and substance of complaints made directly to commercial broadcasters.

The complaints process

Under codes of practice, primary responsibility for the resolution of complaints rests with broadcasters. The Act lays down a general procedure for complaint handling. Complainants are required to approach the broadcaster first and the broadcaster is obliged to respond. However, if a complainant does not receive a response within 60 days, or considers the response inadequate, the matter can be referred to the ABA for investigation. The ABA must investigate these unresolved complaints.

Complaints about possible breaches

of the program standards (children's television standards and Australian content) and conditions of licence may be made directly to the ABA.

The ABA may make a finding that a broadcaster has breached a code of practice or a broadcaster may admit a breach of a code. Breaches of the codes are not breaches of the Act, although the ABA may make compliance with a code a condition of licence. Generally the ABA seeks to ensure that broadcasters take action to remedy breaches or to put in place procedures to ensure they do not recur.

ABA investigations: September quarter

There were ten breach findings as a result of ABA investigations completed in the quarter. Of these, seven were breach decisions by the ABA and three were breaches admitted by the licensee before the ABA completed its investigation.

Breaches found: September quarter 1996

Callsign	program/type of program	substance of complaint	relevant code
ABC TV	current affairs	Inaccurate and unbalanced reporting. Failure to correct a demonstrable error.	News/current affairs - accurate/ balance. Demonstrable errors corrected
ABC TV	Club Buggery	Failure to respond to complaint.	Complaint handling
ABC TV	The Great Debate	Failure to respond to complaint.	Complaint handling
GTV 9 Melbourne	A Current Affair	Failure to respond to complaint.	Complaint handling
2ROX Port Macquarie	Breakfast Program	Failure to conscientiously consider complaint.	Complaint handling
3AW Melbourne	Paul Barber	Failure to respond to complaint.	Complaint handling
3AW Melbourne	Paul Barber	Failure to respond adequately to complaint.	Complaint handling



There were no breaches of conditions of licence found in this period.

The seven breaches found by the ABA covered three issues: complaints handling (six instances covering three industry sectors); accuracy and fairness (ABC Code 4(a)); and balance

(ABC Code 4(d)) in news and current affairs.

Since the breach findings:

- the management of 3AW has reviewed and improved complaints handling procedures;
- the management of 2ROX has advised

that it has taken action to revise its method of recording complaints and informed staff of complaints handling procedures under the code; and

- both the ABC and Nine network have undertaken to improve their complaint handling procedures.

ABA investigations July - September 1996: Breach admitted by the licensee

Callsign	program	substance of complaint	relevant code
ABC TV	Backchat	Failure to broadcast prior warning of simulated sex scenes.	Provide advance notice of distressing/disturbing segments
GTV 9 Melbourne	A Current Affair	Failure to respond adequately to complaint.	Complaint handling
QTQ 9 Brisbane	60 Minutes	Promotion with reference to sex and rape not suitable for G time.	Promotions in G programs

In the three instances where the breaches were admitted by the broadcasters:

- the ABC sent a written apology to all complainants and made an on-air apology;
- the Nine network notified the ABA that the promotion for the 'House of

Horrors' segment in '60 Minutes' had been broadcast in error and that the process for tape handling had been revised to ensure no further breaches occurred; and

- as stated above, the Nine network has undertaken to improve complaint handling procedures.

More information about ABA investigations, can be found in the ABA's publication *Your Say: A review of audience concerns about Australia's broadcast media 1996*, price \$10, and *Annual Report 1995-96* (free). Both publications are available from the ABA, ph (02) 9334 7881.

Investigations completed by the ABA July - September 1996: No breach finding

Callsign	program/ advertisement/issue	substance of complaint	relevant code/program standard/ licence condition
National broadcasters			
ABC TV	The 7.30 Report	Offensive language.	Language
ABC TV	McFeast	Comments were offensive and insulting to Christians.	Language, discrimination
ABC Radio	News	Inaccurate reporting of an attack by a pit bull terrier.	News/current affairs - accuracy
ABC Radio National	Book Talk	Offensive language	Language
SBS TV	Cousin Cousine	Program promotion not suitable for G time.	Sex/nudity & classification
SBS Radio	Farsi/Persian	Racism/discrimination towards Iranian people.	Racism, discrimination
Commercial television			
ATN 7 Sydney	Today Tonight	Inaccurate reporting of a shooting incident	News/current affairs - accurate
ATV 10 Melbourne	Revenge	Sex scenes unsuitable for M time.	M - Sex and nudity
BTQ 7 Brisbane	Nude Moments	Sexual references unsuitable for M time	M - Sex and nudity
BTQ 7 Brisbane	Today Tonight	Vilification of aboriginal people.	Hatred/ridicule - discrimination
HSV 7 Melbourne	Fire	Language and sex scenes unsuitable for M time	M - Language, sex and nudity
HSV 7 Melbourne	Today Tonight	Political interference, inaccurate reporting	News/current affairs - accurate
QTQ 9 Brisbane	A Current Affair	Inaccurate and biased reporting.	News/current affairs - accurate/fair
QTQ 9 Brisbane	Non-program Matter	Non-program matter in excess of limits during the program 'Streets of Laredo'.	Non-program matter - hourly limits
QTQ 9 Brisbane	A Current Affair	Unnecessary emphasis on ethnic background in reporting.	News/current affairs - accurate/fair & negative portrayal
SAS 7 Adelaide	Kraft Food advertisement	Not suitable for children's viewing.	Commercials directed to children
TCN 9 Sydney	Nightline	Violence gratuitous and distressing.	News/current affairs - distressing material
TCN 9 Sydney	Daybreak	Commentary not distinguished from news.	News - facts vs commentary



Your say

Call sign	program/ advertisement/issue	substance of complaint	relevant code/program standard/ licence condition
Commercial television cont.			
TCN 9 Sydney	Snapdragon	Sex scenes and violence unsuitable for M time.	M - Violence, sex and nudity
TCN 9 Sydney	60 Minutes	Invasion of privacy.	News/current affairs - privacy
TEN Sydney	Flipper	Language and violence unsuitable for G time.	G - Violence, sex and nudity
TNT Tasmania	Shadow of Obsession	Sex scenes unsuitable for M time.	M - Sex and nudity
VTV Regional Vic	News	Invasion of privacy.	News/current affairs - privacy
Open narrowcasting television			
Channel 31 Sydney	Ashfield Baptist Church	Vilification of homosexuals.	Television program standard - vilification #
Commercial radio			
2DAY Sydney	Women's Conference in Beijing	Discrimination on basis of race. Sexism and anti-gay bias.	Hatred/vilification
2UE Sydney	Alan Jones	Inaccurate references to the late John Newman's estate	Current affairs - accurate
3AW Melbourne	News/current affairs	Did not give reasonable opportunity for the broadcasting of election matter to all parties contesting the election.	Election matter - reasonable opportunity *
3FOX Melbourne	Martin and Molloy	Offensive language.	Unsuitable for broadcast
4BC Brisbane	Breakfast Program	Vilification of aboriginal people.	Hatred/vilification
5DDN Adelaide	Bob Byrne	Racist comments. Failure to respond to complaint.	Hatred/vilification. Complaint handling
6PPM Perth	Worst Joke Wednesday	Use of offensive language	Unsuitable for broadcast
Community radio			
2CCR Parramatta	Technical	Broadcasting outside the service area.	Licence area *
3ZZZ Melbourne	Mauritian	Failure to reinstate announcer and failure to respond to complaint	Participation/management * Complaint handling
5RPH Adelaide	Management	Failure to represent the community interest and failure to encourage community participation	Participation/management * Represent community *

All potential breaches of the code of practice unless otherwise indicated:

* potential breach of licence condition

potential breach of television program standard

Complaint handling by commercial television stations

The Commercial Television Industry Code of Practice requires each commercial television broadcaster to report to FACTS, within 15 working days of the end of each quarter, the number and substance of written complaints alleging specific breaches of the code. FACTS provides a consolidated report to the ABA.

The figures and summaries below were provided to the ABA by FACTS. They cover the first three quarters of 1996 (the period since that covered by *Your Say 1996*).

January - March 1996

There were 191 written complaints about matters covered by the code of practice in the first quarter of 1996.

Compared with the previous quarter, the proportion of complaints about vio-

lence was fairly constant, while the number about sex/nudity rose somewhat, as did the number about discriminatory references or depictions. There were similar numbers of complaints of bias and inaccuracy, while complaints concerning classification in G zones was up slightly.

In three instances the relevant broadcaster agreed that a complaint identified a breach of a code provision. They were:

- accuracy in a news report;
- inappropriate sexual reference in a G classified program promotion; and
- mistaken scheduling of a commercial for an AO classified movie in G viewing time.

April - June 1996

There were 284 written complaints about matters covered by the code in

this quarter—the highest quarterly figure for the past ten quarters.

The number of complaints about violence, and sex and/or nudity, rose sharply. The number of complaints of bias and inaccuracy were broadly unchanged, while there were significantly fewer complaints about discrimination.

In three instances the broadcaster agreed that a complaint identified a breach of a code provision. They were:

- an attempted interview with the relative of a Port Arthur victim in the 'Ten Evening News' on TEN 10, Sydney (two complaints);
- vision of the stabbing of a Rabbi in Israel in the 'Ten Noon News' on TEN 10, Sydney; and
- the inappropriate scheduling of a promotion for '60 Minutes' in G viewing

time on QTQ 9, Brisbane. (This breach was also the subject of an ABA investigation.)

July - September 1996

There were 337 written complaints about code matters in the third quarter of 1996, the highest for the past 11 quarters.

The number of complaints about sex and/or nudity rose sharply, as did complaints about bias and discriminatory references. Complaints about violence again were significantly fewer.

The majority of complaints were about scheduling issues. The largest number (68) was about the content and scheduling of the program 'Sex/Life' at 8.30 p.m. on the Ten network. Nine network's scheduling of the Australian serial drama 'Pacific Drive' at 3.30 p.m. on weekdays attracted 40 complaints and there were 29 complaints about the Nine network's '60 Minutes'. Most were about a segment

on the Christian Brothers, which was judged to breach the code. There were nine complaints about the scheduling of the serial drama 'The Bold and the Beautiful' at 4.30 p.m. on weekdays on the Ten network. WIN Southern NSW reported nine complaints about lack of balance in a report on paedophilia. The Olympic Games coverage on the Seven network attracted eight complaints.

In 23 instances (involving nine program items and one complaint handling matter) the broadcaster agreed that a complaint identified a breach of a code provision. These were:

- unfair representation of views in a '60 Minutes' report on alleged sexual assaults on children members of the Christian Brothers Orders (13 complaints);
- vision of a gun at a child's head in TCN 9 Sydney's evening news (two complaints);
- inappropriate sexual material in the

Nine network's 'Today' program (one complaint);

- inappropriate violence in an item on vigilantes on the Nine network's 'Today' program (one complaint);
- inappropriate sexual references in the Nine network program 'Hey, Hey It's Saturday' (one complaint);
- inappropriate sexual references in the Nine network program 'The Footy Show' (one complaint);
- inappropriate vision of a man's death in the Golden West Network's evening news (one complaint);
- inappropriate close up vision of victims of an accident on NBN Newcastle's evening news (one complaint);
- inappropriate sexual references in the 'Seinfeld' program on TEN 10 Sydney (one complaint); and
- failure to respond promptly to a code of practice complaint by ATN 7 Sydney (one complaint).

Complaints made to commercial television stations about programs: January - March 1996

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's			2	5				1					8	4.2
Comedy	3			4				4					11	5.8
Current Affairs					4	1		4					9	4.7
Documentary	1		1										2	1.0
Drama Series	18	4	4	20				4	1	2	1		54	28.3
Game			1										1	0.5
Information				1					3				4	2.1
Movies	3	1		3									7	3.7
Music Video													0	0.0
News				5	14	1	2	6					28	14.7
Sport								11	1	1			13	6.8
Variety	5		2					4					11	5.8
Unspecified		1	1	1				2	1	5			11	5.8
Promos	5		1	6	1			19					32	16.6
Total	35	6	12	45	19	2	2	55	6	8	1	0	191	100.0
% All Complaints	18.3	3.1	6.3	23.6	9.9	1.0	1.0	28.8	3.1	4.2	0.5	0.0	100.0	

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary March Quarter 1996



Your say

Complaints made to commercial television stations about programs: April - June 1996

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's	5	1	5	3				1					15	5.3
Comedy	4		1	2				1					8	2.8
Current Affairs		1		5	16		1	2	1	9			35	12.3
Documentary													0	0.0
Drama Series	71	3	13	6				1	2	1	2		99	34.9
Game			1	1									2	0.7
Information	2		2										4	1.4
Movies	3	1	11	2					3				20	7.0
Music Video								1					1	0.4
News	1			18	14	2	2	2					39	13.7
Sport								1					1	0.4
Variety	14		1					1					16	5.6
Unspecified				5						5			10	3.5
Promos	3		15	11				5					34	12.0
Total	103	6	49	53	30	2	3	15	6	15	2	0	284	100.0
% All Complaints	36.3	2.1	17.3	18.7	10.6	0.7	1.1	5.3	2.1	5.3	0.7	0.0	100.0	

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary June Quarter 1996

Complaints made to commercial television stations about programs: July - September 1996

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's		2	3	2				1					8	2.4
Comedy	8	4	4	1					1				18	5.3
Current Affairs	2		2	8	38		1	8					59	17.5
Documentary	1		1										2	0.6
Drama Series	47		5	4					4	2	2		64	19.0
Game		2						3					5	1.5
Information	53			3	1			1		1			59	17.5
Movies	4		6	1						1	1		13	3.9
Music Video													0	0.0
News			3	11	20	1		1				1	37	11.0
Sport	1		1	2				13	2				19	5.6
Variety	1							3					4	1.2
Unspecified	1							1	1	10	6		19	5.6
Promos	14		10	5	1								30	8.9
Total	132	8	35	37	60	1	1	31	7	15	9	1	337	100.0
% All Complaints	39.2	2.4	10.4	11.0	17.6	0.3	0.3	9.2	2.1	4.5	2.7	0.3	100.0	

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary September Quarter 1996



Complaint handling by commercial radio

The Commercial Radio Code of Practice & Guidelines requires each commercial radio broadcaster to provide FARB with an extract of the record of complaints received. FARB provides a consolidated report to the ABA.

The figures and summaries below were provided to the ABA by FARB. They cover the first three quarters of 1996.

Member stations recorded 451 com-

plaints during the first quarter of 1996.

Of complaints against the code of practice, 44 concerned a hoax call in relation to the NSW Higher School Certificate broadcast by Sydney station 2DAY which resulted in the suspension of an announcer; 4BBB in Brisbane received 30 calls about offensive matter in Talkback and Discussion; seven related to use of the word 'bastard' in an election

advertisement for the Australian Democrats on 4KQ in Brisbane; and there were eight complaints to 5DN Adelaide about offensive matter which resulted in a 24-hour suspension of the announcer involved and an 'on air' apology.

There were 296 complaints in the June quarter and 265 during the September quarter; both figures were lower than the first quarter.

January - March 1996						
	<i>Talkback and Discussion</i>	<i>News and Current Affairs</i>	<i>Music Programs</i>	<i>Advertising</i>	<i>Miscellaneous</i>	<i>Total</i>
Offensive Matters	264	8	24	18	26	340
Prohibited Matter	1				2	3
Other Complaints	34	27	13	7	27	108
Total	299	35	37	25	55	451

Source: FARB Commercial Radio Codes of Practice: Complaints Summary March Quarter 1996

April - June 1996						
	<i>Talkback and Discussion</i>	<i>News and Current Affairs</i>	<i>Music Programs</i>	<i>Advertising</i>	<i>Miscellaneous</i>	<i>Total</i>
Offensive Matters	80	6	20	20	15	141
Prohibited Matter		1			2	3
Other Complaints	33	15	25	15	64	152
Total	113	22	45	35	81	296

Source: FARB Commercial Radio Codes of Practice: Complaints Summary June Quarter 1996

July - September 1996						
	<i>Talkback and Discussion</i>	<i>News and Current Affairs</i>	<i>Music Programs</i>	<i>Advertising</i>	<i>Miscellaneous</i>	<i>Total</i>
Offensive Matters	107	12	8	15	29	171
Prohibited Matter						0
Other Complaints	28	7	7	6	46	94
Total	135	19	15	21	75	265

Source: FARB Commercial Radio Codes of Practice: Complaints Summary September Quarter 1996