



The number of complaints made to the ABA about broadcasting matters increased slightly during 1995, according to a report released by the ABA.

Slight increase in TV and radio complaints

The ABA received 3051 complaints about programming related matters on television and radio in 1995, a rise of one per cent from the 1994 figure of 3020.

As a result of complaints received, the ABA commenced 150 investigations into program matters in 1995. These arose from 201 complaints, comprising either complaints which could not be resolved by broadcasters or complaints about licence conditions (in some instances an investigation resulted from more than one complaint).

Investigations by the ABA found 13 breaches of broadcasting codes of practice or program standards in 1995. These comprised eight breaches of the commercial television code of practice, three breaches of the ABC code of practice, one breach of the SBS code of practice and a

breach of the radio program standards by a subscription narrowcasting radio service.

No breaches of the commercial radio code of practice were found and no breaches of standards applying to community television and radio were found.

Under codes of practice, primary responsibility for dealing with viewer and listener complaints rests with broadcasters themselves. The ABA still receives complaints and provides advice on how to make proper use of the formal complaints process. Complaints are also one of the ways the ABA monitors the effectiveness of codes

'Under the system of co-regulation introduced by Parliament in 1992, viewers and listeners are clearly using the avenues open to them to have their say to the ABA and to broadcasters,' said Ms Debra Richards, ABA Director Pro-

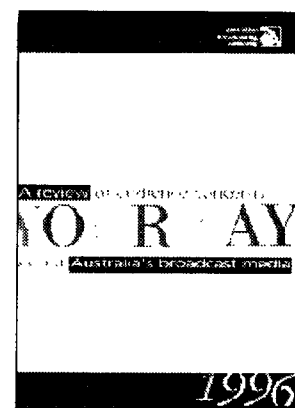
gram Services. 'While we have some concern about the number of unresolved complaints and the issues they raise, the ABA is confident that the codes of practice are in, the main, working to serve the public interest.'

The ABA's second annual review of audience complaints about programming on Australia's broadcast media, *Your Say 1996*, examines the complaints made to the ABA and the industry during 1995. It also provides results of research undertaken by the ABA into the implementation of the commercial television industry code of practice.

Complaints made

In 1995, the ABA received 1714 complaints about commercial television, compared with 1835 received in 1994. Taste, morality and decency complaints (214) represented the greatest proportion of these, followed by amount of advertising time (124), violence (122), sex and nudity (119) and accuracy and fairness in news and current affairs (115).

Complaints about ABC TV declined from 391 to 358, with the greatest number being about accuracy and fairness in news and current affairs (57) and language (51). The number of complaints about SBS TV increased slightly from 62 to 69, with sex and nudity

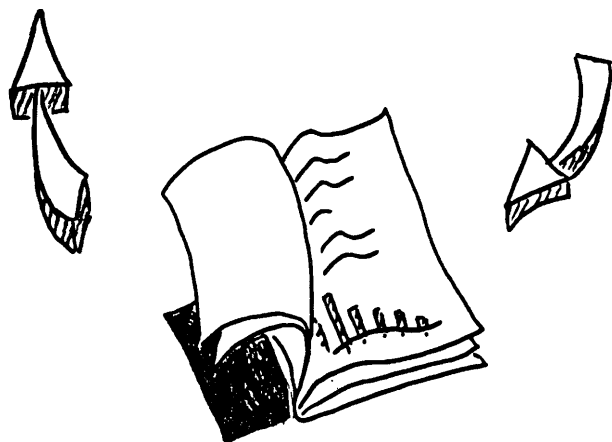


Copies of *Your Say 1996* are available from the ABA, price \$10. Phone (02) 334 7700.

(17) being the top category.

Complaints about radio (including commercial, community and national radio services) increased, rising from 701 in 1994 to 805 in 1995. Commercial radio complaints increased from 366 in 1994 to 475 in 1995, with discrimination (99) and language (98) the top categories. ABC radio complaints rose from 175 to 200, with language (51) being the prime cause for complaint. Community radio complaints dropped from 150 in 1994 to 119 in 1995. The biggest category of complaints related to participation in the management of stations.

Overall, the type of program most complained about was news and current affairs on commercial and ABC television (269 and 148 respectively). The amount, content and scheduling of





content and scheduling of advertising on television was the next major cause of complaint (229 complaints). The most complained about individual program in 1995 was an advertisement for the magazine *Cleo*, which promoted a story about penis length. This attracted 56 complaints to the ABA. Complaints were also made to the Advertising Standards Council and the advertisement was subsequently withdrawn.

Your Say 1996 also presents the results of research carried out in 1995 in relation to television. The main findings include a relatively low level of concern among the general public about what they had viewed on television in the previous week.

Complaints to the ABA

The complaints process that is administered by the broadcasters and the ABA is laid down in the Broadcasting Services Act. The Act requires that complaints from viewers about programs broadcast on television and radio, which are covered by a code of practice, are to be directed in the first instance to the broadcaster concerned.

The broadcaster is under an obligation to adhere to the complaints guidelines detailed in the relevant code of practice. This involves the complainant being told how the broadcaster intends to deal with the complaint and what opportunities are available to take the matter further if the response is unsatisfactory.

If a station fails to respond to a written complaint within 60 days, or the response is considered unsatisfactory, the complainant has the right to take the matter to the ABA for investigation.

The ABA can also investigate complaints about the national broadcasters, the ABC and SBS. However, the ABA can only investigate complaints about material broadcast on the ABC or SBS which is covered by a code of practice.

The ABA can accept direct complaints for matters relating to the standards for children's television or Australian content on television, and complaints about possible breaches of the Act or conditions of licence. The Act allows the ABA to investigate these complaints in the first instance.

Investigations

The ABA must investigate unresolved complaints it receives relating to codes of practice, including complaints about the national broadcasters, the ABC and SBS. To date the ABA has not rejected any unresolved complaints on the grounds that they were frivolous, vexatious or not made in good faith.

In 1995, there were 74 unresolved complaints involving commercial television which came to the ABA for investigation, covering approximately thirty different issues. This is not a high figure when compared to the number of written complaints handled by stations. The main issues subject to investigation were complaints concerning accuracy and fairness in news and current affairs, unsatisfactory handling of complaints and the portrayal of sex and nudity in G programs. Reports of some of these investigations are contained in *Your Say 1996*.

The ABA found eight breaches of the FACTS code in 1995. The breaches were:

- BTQ Brisbane/Seven network - 'Real Life' (invasion of privacy);
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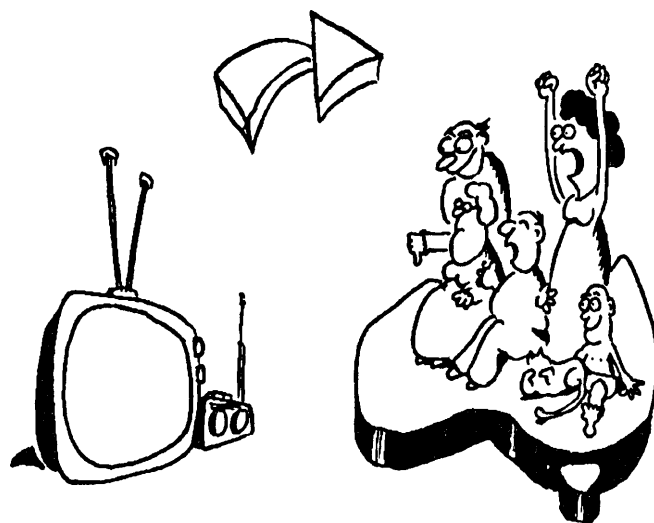
- 'Real Life' (nudity, inappropriate for G classification period);
- BTQ Brisbane/Seven network - 'Seven Nightly News' (stir up hatred on basis of race).

- Seven network - 'Mighty Morphin Power Rangers' (not suitable for G classification - violence);

tiality and balance); and

- ABC TV - 'The Investigators' - Rover Australia (accuracy, impartiality and balance).

There were five investigations into complaints concerning SBS TV and three concerning SBS radio. The ABA found one breach of



- TCN Sydney/Nine network - 'National Nine News' (accuracy and fairness);

- Ten network - 'Picket Fences' promotion (not suitable for G classification - violence);

- Ten network - 'seaquest DSV' promotion (not suitable for G classification - violence); and
- TNQ Regional Queensland - 'Blue Water Dreaming' (not suitable for G classification - nudity).

Four of these related to broadcasts made prior to 1995.

There were 12 investigations relating to ABC TV, mainly involving matters concerning accuracy and balance in news and current affairs programs and eight investigations concerning ABC radio.

The ABA found three breaches of the ABC code. These were:

- ABC TV - '7.30 Report' (South Australia) (accuracy, impartiality and balance);
- ABC TV - 'The Investigators' - Life Be in It (accuracy, impa-

the SBS code, relating to a failure to provide an appropriate warning for the content of a film, *Ghosts of the Civil Dead*, on SBS TV.

There were 25 investigations into complaints concerning commercial radio, involving 16 stations in six states. The areas of major concern were unsatisfactory complaint handling procedures and accuracy and fairness in current affairs. None of the investigations resulted in a breach of the commercial radio code being found.

There were 20 investigations involving community radio in 1995. The main issues were community participation and station management. No breaches were found.



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There were three investigations involving new service categories, such as open narrowcasting radio and television. Voice of Greece, a subscription narrowcasting radio service was found in breach of a radio program standard that requires persons being interviewed to be informed beforehand that their words may be transmitted.

Action taken

When considering alleged breaches of licence conditions, program standards or codes of practice, the ABA has a range of sanctions available to it. Any action taken against a broadcaster will depend on the seriousness of the breach. Under the Act, Parliament intends that where it is necessary for the ABA to use any of its powers, that it do so in a manner commensurate with the seriousness of the breach.

If, as the result of a complaint, the ABA decides to take action, it can impose a condition on the licence of the offending broadcaster requiring it to comply with a code of practice. Alternatively, the ABA may take administrative action, such as the issuing of a notice to ensure compliance with the Act. The ABA also has the power to impose a program standard that would apply to all broadcasters in an industry sector. Additionally, the ABA may brief the Director of Public Prosecutions to take legal action in relation to 'offences' and the courts may impose substantial fines on any offender.

However, it is important to point out that a breach of a code of practice does not in itself amount to a breach of the

Act or a licence condition. A breach of a code does not amount to an offence against the Act unless the ABA has made compliance with a code a condition of licence.

The ABA believes it has an obligation to encourage broadcasters in the first instance to be responsive to the concerns of the community, rather than take immediate punitive action against a broadcaster. In this regard the ABA may use the investigative process and its report on an investigation to provide its interpretation of the provisions of a code of practice so as to inform the industry of community expectations in regard to programming matters. The outcome of such a process is that both the broadcaster and the industry sector are provided with a 'bench mark' of acceptable program material.

ABA research

Your Say 1996 presents the results of ABA research in 1995 on people's concerns about what they had seen on television and their awareness of the M and MA classifications.

The main findings include a relatively low degree of concern among the general public about what they had viewed on television in the previous week. Twenty per cent of those sampled reported seeing something that had concerned them on television in the preceding week and a further 18 per cent in the previous eight months.

Of those who expressed concern about something viewed in the previous week, 34 per cent of responses related to news and current affairs. This compares to 28 per cent in the ABA's 1994 research, published in *Your Say 1995*.

This research also established that recall of the television classification symbols remained quite high in the community, with 81 per cent able to recall one or more of the classification symbols, compared with 83 per cent in the ABA's 1994 research.

Of those surveyed, 50 per cent recalled the M classification symbol unprompted. When survey participants were later asked the meaning of the symbol, 85 per cent of responses demonstrated a reasonable understanding of the purpose and intention of the classification.

When asked about the MA classification, 23 per cent could recall the symbol unprompted and 76 per cent of responses demonstrated a reasonable understanding of the purpose and intention of the classification.

The ABA considers this is a satisfactory result given that the use of these classification symbols for television had been in place for less than two years when the research was conducted.

Complaints to the commercial television industry

The commercial television industry code of practice developed by the Federation of Australian Commercial Television Stations (FACTS Code) was registered by the ABA in 1993. FACTS provides quarterly reports to the ABA about complaints handling and the ABA attends quarterly FACTS Code Administration Council meetings which discuss issues arising from the operation of the code.

For the period 1 October 1994-30 September 1995, FACTS reported 618 formal (i.e. written) complaints against

the code and 45 instances in which stations upheld complaints under the code, compared to eight complaints upheld by the ABA.

The top concerns of those writing to television stations were:

General classification	180
Sex and nudity	87
Bias/Inaccuracy	85
Discrimination	64
Violence	60

While the ABA received 1714 complaints about commercial television, the data does not point to any major changes in type of complaint which would indicate a failure of the codes.

Complaints to the commercial radio industry

The Federation of Australian radio Broadcasters (FARB) provides quarterly reports to the ABA on complaints received by commercial radio broadcasters. In 1995, commercial radio broadcasters received 1409 formal complaints. FARB also reported the program format attracting the most complaints to broadcasters was 'talk and discussion'. Other matters attracting significant numbers of complaints were advertising, music programming and news and current affairs. ☐

