



## 3LO morning program

### Complaint

In March 1997 the ABA received a complaint about a broadcast in May 1996 on ABC radio 3LO Melbourne of an interview by program host, Dr Gael Jennings and Mr Alan Tate, ABC Television's environment reporter. The interview previewed an upcoming international environment conference which was considering an international timber labelling scheme. The complainant alleged that certain statements made by Jennings and Tate regarding the survival of the world's forests were inaccurate and called on 3LO to broadcast a retraction and an apology and to report the facts. The complainant was also dissatisfied with the ABC's handling of the complaint.

### Relevant codes

The complaint was assessed against the following sections of the ABC Code of Practice:

#### 4. News and Current Affairs

(a) Every reasonable effort must be made to ensure that the content of news and current affairs programs is accurate, impartial and balanced.

(b) Demonstrable errors will be corrected in a form most suited to the circumstances.

(c) Impartiality does not require editorial staff to be unquestioning; nor should all sides of an issue be devoted the same amount of time.

(d) Balance will be sought through the presentation as far as possible of principal relevant viewpoints on matters of importance. The requirement may not always be reached within a single program or news bulletin, but will be achieved within a reasonable period.

#### 8. Complaints

Complaints that the ABC has acted contrary to this Code of Practice should be directed to the ABC in the first instance. Phone complainants seeking a response from the ABC will be asked to put their complaint in writing. All such written complaints will receive a response from the ABC within 60 days from receipt of the written complaint.

The ABC will make every reasonable effort to resolve complaints about Code of Practice matters, except where a complaint is clearly frivolous, vexatious or not made in good faith.

### Decision

The ABA found that the interview complied with the accuracy requirements of section 4(a) of the code but did not present, as far as possible, other principal relevant viewpoints on matters of importance. The interview therefore did not comply with section 4(d).

The ABA concluded that, as the complaint handling mechanism was severely lacking, 3LO did not comply with the complaints handling requirements set down in section 8.

### Action taken

The ABC has advised the ABA that a number of measures have been undertaken to improve procedures:

- requiring senior managers to draw the attention of staff to the requirements in the ABC Editorial Policies for handling complaints;
- publishing a media release detailing the ABC's independent review of the matter;

- undertaking training initiatives as part of the ABC's One ABC restructuring process recognising the need for specific education for journalists and program makers about complaints handling;
- reviewing complaints procedures and practices to ensure they are consistent with contemporary complaints handling standards; and
- reviewing the ABC's *Editorial Policies* to be overseen by a subcommittee of the ABC Board.

The ABA is encouraged by measures adopted by the ABC to improve its mechanisms for the management of complaints.

ABA staff met with the ABC to discuss the ABA's finding. While the ABC agreed with the ABA's finding in relation to complaints handling, the ABC was of the view that the ABA did not have jurisdiction to make a finding on the issue of balance and that the ABA's conclusion relating to this issue was incorrect. The ABA has reviewed the issue of jurisdiction and confirmed that it was acting within its power in making a finding on the issue of balance.

The ABA has decided not to take any further action.

### The codes

Commercial television, commercial radio, community radio, narrowcasters, the ABC and SBS all operate under codes of practice. Subscription broadcasters are well advanced in the development of their code. The ABA supervises the operation of the codes and acts as an independent adjudicator when complaints are not resolved between the complainant and the broadcaster concerned.

Primary responsibility for compliance with the codes and for resolving complaints rests with the broadcasters. If a station does not answer a complaints within 60 days, or if the complainant considers the response to be unsatisfactory, the complaint can be referred to the ABA for investigation.

### Investigations

The ABA is required to investigate unresolved complaints and to inform complainants of the results of investigations. The ABA can investigate complaints about the national broadcasters, the ABC and SBS.

The ABA can also investigate complaints about matters relating to the standards for children's television or Australian content on commercial television, the standards for subscription broadcasting, and complaints about any type of broadcasting service when the complaint relates to a possible breach of the Act or conditions of licence.

The ABA has a range of sanctions available to it if there is a breach of a code of practice, program standard or licence condition. Any action taken depends on the seriousness of the breach.