

Investigating programming issues

Under the *Broadcasting Services Act 1992* 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 and performs an independent adjudicator role where complaints are not resolved between the complainant and the broadcaster concerned.

The complaints process

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

Complaints in relation to possible breaches of the formal program standards (children's television standards and Australian content) and conditions of licence may be made directly to the ABA. That is, complainants are not obliged to contact the broadcaster first.

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

Investigations by the ABA into unresolved complaints completed in the quarter ended 30 September 1997

Breaches found:

Number of ABA investigations resulting in breaches:	8
• ABA investigation, breach decision	5
• breach admitted by licensee	3

put in place procedures to ensure they do not recur.

Of the five investigations for which the ABA decided a breach had occurred, one involved commercial television, one national television, one satellite-delivered subscription television, one commercial radio and one community radio. The five investigations involved four issues: complaints handling (two instances in two sectors); the depiction of suicide in a 'PG' rated program (Beverly Hills 90210); advertisements on community radio (7DBS Wynyard); and a subscription television narrowcast service providing programming of broad rather than narrow appeal (Fox Sports Two).

The two complaints handling breaches involved commercial radio station 3AW Melbourne and ABC Television.

Relevant staff at ABC TV were reminded of the need to respond quickly

to complaints and adhere to procedures for the handling them.

As a result of the 'Beverly Hills 90210' breach the ABA hosted a forum attended by concerned parties and representatives from the various sectors of the television industry. During this forum media strategies to prevent youth suicide and draft guidelines prepared by the Australian Medical Association on the depiction of suicide on television were discussed.

The commercial television industry has proposed changes to its code of practice to amend the provisions relating to the portrayal and reporting of suicide.

Radio station 7DBS Wynyard put in place a set of guidelines for community announcements which reflected the ABA's finding.

The ABA issued the licensee of the Fox Sports Two service with a notice directing it to cease providing that service via satellite without a licence. The licensee has now been issued with a licence which allows it to provide the service within the requirements of the Act.

The licensees of the three stations which admitted breaches undertook to review their procedures to ensure as far as possible that future similar breaches did not occur.

With the exception of 3AW, the ABA was satisfied with the action taken by the licensees as a result of the ABA's findings and decided not to take any further action.

The ABA is still in discussions with 3AW about what action it proposes to take as a result of the ABA's finding.

Investigations completed by the ABA July – September 1997:

<i>Callsign</i>	<i>program/advertisement/ issue</i>	<i>substance of complaint</i>	<i>relevant code/ licence condition</i>
Breach finding			
CTC Southern NSW/ACT	Beverly Hills 90210	Depiction of suicide during 'PG' program explicit and indiscreet.	Depiction of suicide during 'PG' program must be inexplicit and discreet.
Galaxy	Fox Sports Two	Service is broadcasting rather than narrowcasting.	Satisfying one of the criteria for a narrowcaster. *
ABC TV	Newsflash	Complaint not responded to within 60 days.	Complaints handling.
3AW Melbourne	News	Complaint not responded to within 60 days.	Complaints handling.
7DBS Wynyard	Insight for Living	Community radio station broadcast an advertisement.	Advertisements on community radio stations. *

Breach admitted by the licensee

GTV9 Melbourne	A Current Affair	Failure to respond to complaint.	Complaints handling.
BTQ7 Brisbane	Full Frontal	Material unsuitable for 'PG' program.	'PG' classification time zone.
SBS TV	Not specified	Failure to respond to complaint.	Complaints handling.

No breach finding

Commercial television

GTV9 Melbourne	Today	Commentary vilified Vietnamese and Aboriginal communities.	Stirring up hatred on the basis of race.
NEW10 Perth	Sex/Life	Program does not comply with 'MA' classification criteria.	Sex and nudity during an 'MA' rated program.
TVQ10 Brisbane	Sex/Life	Program is pornographic.	Sex and nudity during an 'MA' rated program.
Prime Southern	Billy Connolly's World	Offensive language.	Language during an 'M' rated program.
NSW/ACT	Tour of Scotland		
BTQ7 Brisbane	News	Invasion of privacy.	Using material relating to a person's personal or private affairs.
QTQ9 Brisbane	Michael Jackson 'Ghosts' video	Unsuitable for viewing by children.	Depiction of violence during a 'PG' rated program.

Commercial radio

2RE Taree	Advertisement	Advertisement claimed to offer cure for cancer.	Advertisements relating to medicines. *
4BBB Brisbane	Martin Molloy	Language used was offensive; complaint not responded to.	Offensive language; complaints handling.
2DAY Sydney	Martin Molloy	Segment encouraged violence; complaint not responded to.	Incitement to violence; complaints handling.
5MMM Adelaide	Advertisement	Advertisement discriminated against women.	Vilification on the basis of gender.
3AW Melbourne	Keith McGowan	Announcer encouraged violence; complaint not responded to.	Incitement to violence; complaints handling.

National radio

ABC radio	JJJ	Offensive language; dissatisfaction with response to complaint.	Offensive language; complaints handling.
-----------	-----	---	--

National television

ABC TV	News	Horrific footage unsuitable for television	Presentation of violence; privacy; sensitivity
--------	------	--	--

Open narrowcasting radio

FM88 Albany	Not specified	Providing a service of broad rather than narrow appeal and transmitting at greater than the permitted power.	Criteria for open narrowcasting service; conditions of apparatus licence. *
-------------	---------------	--	---

Open narrowcasting television

Channel 31 Melbourne	Not specified	Providing a commercial television service without a licence.	Criteria for open narrowcasting service. *
----------------------	---------------	--	--

All potential breaches were of a code of practice unless otherwise indicated:

* potential breach of licence condition

Y o u r s a y

Complaint handling by commercial television stations

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

July – September 1997

Commercial television stations reported 276 written complaints relating to matters covered by the code of practice, up from 220 in the previous quarter.

The number of complaints about bias was noticeably higher, and there was a slight increase in the number of com-

plaints about sex and nudity. There were fewer complaints about violence and coarse language.

The largest number of complaints (82) were about the program 'Sex/Life' at 9.30 p.m. on the Ten network and promotions for that program. A story on the Nine network's 'A Current Affair' on electronic repairs attracted 20 complaints and a segment of 'The Footy Show', also on Nine, attracted 22 complaints of alleged offensive behaviour.

In 13 instances a station agreed that a complaint identified a breach of a code provision. They were:

- Ten news footage of a child burned in an attack in Townsville which included the sound of the child crying, and was deemed unacceptable;

- a promotion for the movie *Good Cop, Bad Cop* was inappropriate for the 'PG' period (four complaints);
- 'Seven News' failure to correct a significant error of fact contained in a news item;
- inappropriate placement of a 0055 advertisement with sexual content during the late evening Wimbledon tennis telecast (two complaints);
- inadequacies in WIN Wollongong's after-hours complaints facilities;
- violent footage in an early evening Seven Brisbane news update (two complaints); and
- nudity in a promotion in the 'PG' zone for the movie *One Way Ticket* (two complaints).

Stations reported taking appropriate remedial action in each case.

In the previous quarter, six complaints were upheld by the stations concerned.

Complaints made to commercial television stations about programs

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's	1		2	3				1					7	2.5
Comedy	5	3	5	2				5	3				23	8.3
Current Affairs	1			4	45			4					54	19.6
Documentary				1									1	0.4
Drama Series		1	3	6				1	1	1	1		14	5.1
Game	3												3	1.1
Information	45		1	1				2	2	5			56	20.3
Movies	1	1		1					2	9			14	5.1
Music Video	1			1									2	0.7
News				9	3	1	2	2	1				18	6.5
Sport		23								2		1	26	9.4
Variety			2	1				1					4	1.4
Unspecified				1					2	4	1		8	2.9
Promos	9		3	34									46	16.7
Total	66	28	16	64	48	1	2	16	6	21	7	1	276	100.0
% All Complaints	23.9	10.1	5.8	23.2	17.4	0.4	0.7	5.8	2.2	7.6	2.5	0.4	100.0	

Drama Series includes Serials Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary September Quarter 1997

Complaint handling by commercial radio stations

The Commercial Radio Codes of Practice & Guidelines require each commercial radio broadcaster to provide the Federation of Australian

Radio Broadcasters with an extract of the record of complaints received. FARB provides a consolidated report to the ABA.

July – September 1997

Member stations recorded 280 complaints during the third quarter of 1997. Complaints about 'Talkback and Discussion' continue to dominate the number of complaints received.

	Talkback and Discussion	News and Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive Matters in	124	3	15	25	26	193
Other Complaints	20	10	10	12	35	87
Total	144	13	25	37	61	280

Source: FARB Commercial Radio Codes of Practice: Complaints Summary September Quarter 1997