



Community radio, 4EB Brisbane

Complaints

In May 1996 the ABA received two complaints about community radio station 4EB Brisbane. One complaint related to program content and alleged that certain news bulletins were taken from unauthorised sources and also that at various times the station had exceeded the allowable time limit for the broadcasting of sponsorship announcements. The other complaint related to the alleged unfair dismissal of a program announcer and to the lack of a satisfactory explanation as to the reasons for this dismissal.

Relevant codes and legislation

The community broadcasting Code of Practice provides, in part:

These guidelines are intended to promote accuracy and fairness in news and current affairs programs.

2.4 News and current affairs programs (including news flashes) should:

- (a) provide access to views under-represented by the mainstream media;
- (b) present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (c) clearly distinguish factual material from commentary and analysis;
- (d) not present news in such a way as to create public panic or necessary distress to listeners.

Relevant sections of the Act are: Subclause 9(1)(b) of Part 5 of Schedule 2 of the *Broadcasting Services Act 1992* provides:

9(1) Each community broadcasting licence is subject to the following conditions:
(b) the licensee will not broadcast advertisements, and the licensee will not broadcast sponsorship announcements otherwise than as mentioned in subclause (3).

9(3) A community broadcasting licensee may broadcast sponsorship announcements that run in total for not more than 4 minutes in any hour of broadcasting.

Decision

Regarding the complaint relating to program content the ABA determined that:

- the news bulletins which were the subject of the complaint had not breached section 2 of the community broadcasting code of practice, which deals with guidelines for news and current affairs programs.
- whilst sponsorship announcements had not exceeded the allowable time limit of 4 minutes per hour the licensee of 4EB, the Ethnic Broadcasting Association of Queensland Limited, had, on 26 March 1996, broadcast an advertisement and thereby breached the condition of its licence set out in subclause 9(1)(b) of Part 5 of Schedule 2 of the Act.

Regarding the complaint relating to unfair dismissal, the ABA determined that this matter was outside its jurisdiction. The ABA did, however, seek clarification from 4EB as to the dismissal in question, the rights of volunteers, the conflict resolution mechanisms in place and the procedures for re-applying for a position at 4EB. The response from 4EB to this request for information was passed on to the complainant.

Action taken

Although the ABA did not find the news bulletins to be in breach of any code of practice, 4EB appointed an independent investigator to prepare a report on news sourcing within the station. 4EB accepted the investigator's recommendation to widen the scope of news sources by having Internet installed for use by all broadcasters.

In relation to the breach of the Act, 4EB undertook to advise all of its broadcasters of this finding and to instruct them to cease such announcements forthwith. Accordingly the ABA decided on this occasion not to take the matter further.

The codes

Commercial television, commercial and community radio, the ABC and SBS all operate under codes of practice, while other broadcasting sectors are well advanced in the development of their respective codes. 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.

Primary responsibility for compliance with the codes and for resolving complaints rests with the broadcasters. If a station fails to answer a complaint within 60 days, or if the response is unsatisfactory, then 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 such investigations.

The ABA can also investigate complaints about the national broadcasters, the ABC and SBS.

The ABA also investigates complaints about matters relating to the standards for children's television or Australian content on television, the standards for subscription broadcasting, subscription narrowcasting and open narrowcasting, and complaints in relation to any type of broadcasting service where the complaint relates to a possible breach of the Act or conditions of licence.

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