



ABC Radio Triple J Network

Complaint

The ABA received a complaint about the song 'You Suck' by The Murmurs which was broadcast at approximately 9.27 a.m. on 22 May 1996 on the Triple J radio network. The complainant considered language contained in the song to be offensive.

Relevant codes and legislation

Section 2.2 of the ABC Code of Practice provides:

Variations of language favoured by different groups of Australians - young, or old, well educated or less educated, migrants, Aborigines and others - are equally valid and have their place in programs. On occasions, the language of one group may be distasteful to another. Use of such language is permitted provided it is not used gratuitously and provided the language can be justified in the context of, for example, fiction, documentary,

dramatisation, comedy or song lyrics.

Section 8 of the code provides: Complaints that the ABC has acted contrary to this Code of Practice should be directed to the ABC in the first instance. Phone complaints 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.

Decision

The ABA considered that the lyrics of the song 'You Suck' may be considered offensive by some listeners who may not be accustomed to the style of music played on Triple J. The lyrics would not have exceeded the expectations of the majority of its target audience familiar with the style of music played by Triple J. In addition, the ABA accepted the submission of the ABC that consideration was given to the artistic merit of the song, within the expectations of the target audi-

ence, and that the use of offensive language was not gratuitous. The ABA found that the Triple J radio network had not breached section 2.2 of the code.

The Triple J radio network had breached section 8 of the code in that it had failed to respond to the complainant within the required time period.

Action taken

The ABA noted that the ABC has placed greater responsibility on network managers to respond directly to complaints in a timely manner, and that mechanisms are being put in place in other areas, in addition to Corporate Relations, to ensure records are kept of all correspondence received and that copies are retained for follow up action as required.

In light of this action, the ABA decided not to take the matter further, but placed the ABC on notice that more serious steps may be taken if future similar breaches were determined.

TVT Tasmania

Complaint

The ABA received a complaint about the content of the 1.30 p.m. News Update broadcast by TVT Tasmania on 27 December 1995. The complainant alleged that the broadcast invaded his privacy as the station broadcast details of his son's death despite being informed by the police that a media ban was in place until 4 p.m.

Relevant code

Section 4 of the Commercial Television Code of Practice relates to the presenta-

tion of news and current affairs programs and provides:

4.3 In broadcasting news and current affairs programs, licensees.

4.3.5 must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there are identifiable public interest reasons for the material to be broadcast.

Decision

The ABA found that because the family had not been notified of the finding when the update was broadcast, their

right to privacy outweighed the public's right to know about the finding, and a breach of section 4.3.5 had occurred.

Action taken

As a result of the finding, WIN conducted training workshops with news staff in relation to the requirements of the code and the respecting of press embargoes. All coverage of fatalities is now checked directly by the News Director before broadcast.

The ABA is satisfied with the steps taken by the broadcaster.