



within its investigation report and has undertaken to provide guidelines in relation to the broadcasting of political matter to assist the industry in determining when an advertisement may be political matter.

In this case, the ABA is aware that all three licensees withdrew the advertisement from broadcast as soon as they became aware that it might be considered political matter and therefore needed the required particulars to be attached.

The licensees also advised the ABA that they

are proposing to send all non-routine Government advertisements to Commercials Advice Pty Limited (CAD) (a system for the provision of regulatory advice for television commercials) for classification and clearance before broadcast.

Given the difficulties that licensees may have in determining whether an advertisement is political matter the ABA is satisfied with the action taken and proposed by the licensees. Therefore, on this occasion, the ABA does not intend to take further action with regard to this matter.

## 5EBI, Adelaide

### **Complaint**

On 9 September 1997 the ABA received an unresolved written complaint regarding the Greek community program broadcast by Adelaide community radio service 5EBI on 22 August 1996. The complainant alleged that certain comments by the program presenter were offensive and demeaned the Greek Evangelical Community at Seaton Park. The complainant also expressed dissatisfaction to the ABA regarding 5EBI's response to the complaint. The licensee of 5EBI is Ethnic Broadcasters Inc.

### **Code of practice**

The complaint was assessed against the following sections of the Community Broadcasting Code of Practice,

2.3 Community broadcasting licensees shall not broadcast material which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion, age or physical or mental disability.

7.4 Licensees will make appropriate arrangements to ensure that:

- (a) complaints will be received by a responsible person in normal office hours;
- (b) complaints will be conscientiously considered, investigated if necessary and responded to as soon as practicable; and
- (c) complaints will be promptly acknowledged and normally answered within six weeks from receipt of the complaint.

7.5 Responses to written complaints will be in writing and will include a copy of the Code of Practice on handling complaints.

### **Decision**

The ABA found that the licensee breached section 2.3 of the code by broadcasting material which attempted to demean a group on the basis of religion. The ABA also found the licensee had breached sections 7.4 and 7.5 of the code by failing to provide a written response to a complaint.

### **Action taken**

The licensee advised the ABA that the announcer had been suspended from broadcasting pending the finalisation of the matter. The final decision was to be made by the executive committee of 5EBI at that time. The licensee also undertook to respond to all future complaints speedily and with due diligence.

The ABA noted 5EBI's previous good record in compliance with the Community Broadcasting Code of Practice and the firm action taken with regard to this investigation. The ABA is of the view that the action taken by the licensee toward the announcer is commensurate with the seriousness of the breach and does not expect or require further action. However, this is ultimately a matter for the licensee to resolve.

Further, the ABA is satisfied with the undertaking given by the licensee in relation to complaints handling. Therefore, on this occasion, the ABA does not intend to take further action with regard to this matter.

