

been withdrawn and the presenter in question is now back on-air.

The ABA issued FM88 Logan City with a notice to amend their service so that it conforms to at least one of the criteria for a narrowcaster. At the time of this report FM88 Logan City had still not complied with this notice and the ABA is currently considering its next course of action.

Cool FM Byron Bay undertook to alter their service in order to meet the criteria

for a narrowcast service. COOL FM has since applied to the ABA, and has been allocated, a temporary community broadcasting licence.

ABC Radio 3LO conducted a review which identified a serious flaw in 3LO's complaints mechanism and implemented new procedures.

KFM88 Kingaroy corrected the political advertisement, which it had broadcast a political advertisement without a

'tag' of identification or authorisation, so that it met the requirements of the Act.

With the exceptions of FM88 Logan City and the continuing discussions with the ABC, in all of the above cases the ABA was satisfied with the remedial action taken by the various licensees as a result of the ABA's findings and took no further action.

Investigations completed by the ABA : January–March 1998

<i>Callsign</i>	<i>program/advertisement/ issue</i>	<i>substance of complaint</i>	<i>relevant code/program standard/ licence condition</i>
Breach findings			
TCN9 Sydney	A Current Affair	Inaccurate and unfair story on the CFMEU.	Segment did not present factual material accurately or represent viewpoints fairly.
TCN9 Sydney	Pacific Drive (two episodes)	Program contains adult material and is unsuitable for timeslot.	Inappropriate for 'PG'; sexual content exceeded 'PG' limits.
TCN9 Sydney	A Current Affair	Segment contained details of complainant's address.	Segment invaded an individual's privacy.
TCN9 Sydney	60 Minutes	Inaccurate reenactment of court proceedings.	Segment did not present factual material accurately.
QTQ9 Brisbane	Today	Segment containing partial nudity unsuitable for 'G' time.	Level of nudity exceeded 'G' limits.
ATN7 Sydney	Today Tonight	Footage of complainants was secretly filmed and broadcast.	Segment invaded an individual's privacy.
CTC10 ACT	Sex/Life	Offensive and overtly pornographic; complaints handling.	Complaints handling.
NEN7 Newcastle/ NRN10 Coffs Harbour	Not specified	NEN and NRN not timeshifting to accommodate	'M' classified programs broadcast outside appropriate time zone (Queensland time).
RTS South Australia	News	Inaccurate news item; complaints handling.	Complaints handling.
2UE Sydney	John Laws	Allegations made re subjudice.	Factual material not presented accurately.
2HD Newcastle	Morning Program	Hoax call broadcast without complainant's consent.	Broadcast of identifiable person's words without their consent.
5AA Adelaide	Sunday Gardening Show	Complainant's address was broadcast	Segment invaded an individual's privacy.
ABC TV	Four Corners	Unfair/inaccurate depiction of Foundation for Humanity's Adulthood.	Program contained inaccuracies and omitted relevant viewpoints.
4DDB Toowoomba	Not specified	Broadcaster removed from air because of failure to sign agreement.	Licensee did not encourage community participation. *
FM88 Logan City	Not specified	Service not operating as a narrowcaster.	Providing a service otherwise than in accordance with class licence. *
Cool FM Byron Bay	Not specified	Service not operating as a narrowcaster.	Providing a service otherwise than in accordance with class licence *

Breach admitted by the licensee

ABC Radio	Gail Jennings	Objectionable comments re creationists; complaints handling.	Complaints handling.
ABC Radio	Not specified	Complaints handling.	Complaints handling.
KFM88 Kingaroy	Not specified	Political matter broadcast without the required accompanying particulars	Certain information must accompany the broadcasting of political matter. *

All breaches were of a code of practice except:

** breach of licence condition*

Callsign	program/advertisement/issue	substance of complaint	relevant code/program standard/ licence condition
No breach finding			
Commercial television			
NWS9 Adelaide	Australia's Funniest Home Video Show	Inappropriate level of violence.	Violence during 'PG' program.
NWS9 Adelaide	News	Inappropriate level of violence.	Violence during 'PG' program.
HSV7 Melbourne	Today Tonight	Nudity at a time when children are watching.	Exercising care in the selection & broadcast of material..
ATN7 Sydney	News	Distortion of footage to misrepresent viewpoint.	Fair representation of viewpoints.
SAS7 Adelaide	Sport - tennis and swimming	Claims that coverage was 'live' were false.	Misleading viewers.
WIN Ballarat	Good Medicine	Program promo contained partial nudity.	Nudity in 'PG' classification zone.
WIN Ballarat	A Current Affair	Nudity (cosmetic surgery) shown at time when children watching.	Exercising care in news/current affairs program broadcast during 'G' time.
WIN Ballarat	A Current Affair	Nudity (art book) shown at time when children watching.	Exercising care in news/current affairs program broadcast during 'G' time.
WIN Canberra	News	News item was blatant advertisement for political party.	Impartiality during news; broadcasting of political matter. *
NRN10 Coffs Harbour	Sex/Life	Content of program is pure voyeurism.	Level of sex and nudity in an 'MA' classified program.
ADS10 Adelaide	Con's Bewdiful Holiday Videos	Suggestion of bestiality in 'PG' program..	Sex and nudity in 'PG' rated program.
ADS10 Adelaide	Playboy's Really Naked Truth No.1	Content of program was offensive.	Level of nudity in 'MA' rated program.
ATV10 Melbourne	Threesome	Sexual content was explicit and not simulated.	Portrayal of sex and nudity in 'M' rated program.
Commercial radio			
6PR Perth	Howard Sattler	Offensive comments about the Queen; complaints handling.	Offensive language; complaints handling.
Commercial radio continued			
5SSA Adelaide	Martin Molloy	Offensive material about cremation and religious rites.	Offensive language and gratuitous vilification on the basis of religion.
3AW Melbourne	Not specified	News bulletins re local bushfires contained inaccurate information; complaints handling.	Accuracy in presentation of news; complaints handling.
Community radio			
5RPH Adelaide	Not specified	Complainant referred to as having mental disorders.	Vilification; accuracy in news and current affairs.
3BBB	conflict resolution	No grievance mechanism.	Organisational mechanisms in place.
5EBI	Macedonian program	Offensive broadcast; complaints handling.	Accurate presentation of factual material; complaints handling.
Open narrowcasting radio			
2NNN Nowra	narrowcast criteria	Service not operating as a narrowcaster.	Commission of an offence against Radiocommunications Act 1992. *

All potential breaches were of a code of practice except:

**potential breach of licence condition*

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 Stations (FACTS) within 15 working days of the end of each quarter, the number and substance of written complaints alleging specific breaches of the code. FACTS provides a consolidated report to the ABA.

January—March 1998

Commercial television stations reported 155 written complaints relating to matters covered by the code in this quarter. This is a decrease in the number of complaints reported in the previous quarter and below the average for the past eighteen quarters.

The number of complaints about sex and violence are down but complaints about bias and discriminatory references increased.

Ten's Melbourne News attracted the highest number of complaints (24) for an item on firearms which showed the wrong firearms, and a segment of 'The Footy Show' (Melbourne) considered offensive to Catholics. The Ten network reported no complaints about the program 'Sex/Life'.

In 18 instances, involving four programs, one program promotion and the placement of two commercials, a station agreed that a complaint identified a breach of a code provision. These instances involved:

- a segment in 'The Footy Show'

(Melbourne) which was considered offensive to Catholics (11 complaints)

- a promotion for 'The Footy Show' (Sydney), which was inappropriate for the evening G period;
- an inappropriate comment by a presenter in the 'Saturday Disney' program;
- two complaints of closed captioning not being transmitted when advertised;
- an inappropriately graphic drink driving commercial (G zone); and
- an M classified commercial broadcast in the PG zone.

Stations reported taking appropriate remedial action in each case.

In the previous quarter, 13 complaints were upheld by the stations concerned.

Complaints made to commercial television stations about programs:

January—March 1998

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's	1												1	0.6
Comedy	4	1	7					1	1				13	8.4
Current Affairs	1		1	1	16								21	13.5
Documentary	1		2					1		1			3	1.9
Drama Series	1		3	1					1	1			8	5.2
Game											2		2	1.3
Information	1								1				2	1.3
Movies	2		3						1	2			8	5.2
Music Video														0.0
News				1	27						1	1	30	19.4
Sport								11	1				12	7.7
Variety	1			1				7					9	5.8
Unspecified			3	2						8	3		16	10.3
Promos	7	2	2	3				16					30	19.4
Total	19	3	21	9	43			36	2	12	9	1	155	100.0
% All Complaints	12.3	1.9	13.5	5.8	27.7	0.0	0.0	23.2	1.3	7.7	5.8	0.6	100.0	
Drama Series includes Serials														

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary March Quarter 1998

Complaint handling by commercial radio stations

January—March 1998

The Commercial Radio Codes of Practice and Guidelines require each commercial radio broadcaster to provide the Federation of Australian Radio Broadcasters (FARB) with an extract of

the record of complaints received. FARB provides a consolidated report to the ABA.

The figures and summaries below were provided to the ABA by FARB.

Member stations recorded 358 complaints during the first quarter of 1998. 'Talkback and Discussion' continue to dominate the number of complaints received under the code.

	Talkback and Discussion	News and Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive Matters in	130	6	28	34	30	228
Prohibited Matter in		1	4			5
Other Complaints	23	20	16	9	57	125
Total	153	27	48	43	87	358

Source: FARB Commercial Radio Codes of Practice: Complaints Summary March Quarter 1998

Investigations



FX the series, HSV 7 Melbourne

The ABA received an unresolved complaint that an episode of 'FX The Series' broadcast by HSV 7 Melbourne breached the Commercial Television Industry Code of Practice because of the depiction of violence within the episode. The episode was broadcast on 14 January 1998 and of concern was a scene involving a bar-room brawl.

Relevant code

The code requires any violence within 'PG' classified programming to be inexplicit, discreet or stylised and appropriate to the storyline or context.

Decision

HSV 7 submitted that the scene was discreet and that it was stylised. It argued that the use of lighthearted background music and the use of the conventional 'western bar fight' with punches not seen to connect and with minimal blood meant that the scene complied with the PG classification.

The ABA found that the violence within the scene was clearly depicted rather than implied or discreet. The scene did not take place in a western setting but in an ordinary downtown bar in a time far removed in time from the conventional 'western bar fight'. Many of the punches were clearly seen to connect, and there was no evidence that no one was seri-

ously hurt or wounded. The ABA also found that the background music, whilst lighthearted, did not soften the impact of the violent images within the scene.

The ABA concluded the episode failed to meet the 'PG' classification criterion with regard to violence.

Action taken

This is the first time the ABA has found the licensee of HSV 7 to have breached this section of the code. As such the ABA won't take further action with regard to this matter. However, the ABA will be monitoring the licensee's compliance with this section of the code and may take further action if similar breaches are found in the future.