

Your Say

The following is a summary of ABA investigations into programming matters in the quarter to 31 December 1998.

Investigating programming issues

Investigations completed by the ABA October—December 1998: breach finding

Callsign	program/advertisement/issue	substance of complaint	relevant code/licence condition
Commercial television			
ATN 7 Sydney	programming of advertisements	Too many advertisements during the movie <i>The African Queen</i> .	Time occupied by non-program matter.
NEN/ECN Prime	programming of advertisements	Too many advertisements during the movie <i>The African Queen</i> .	Time occupied by non-program matter.
ATN 7 Sydney	Witness	Accuracy and fairness; complainant not told of right to refer matter to ABA.	Complaints handling.
TEN 10 Sydney	programming of advertisements	Too many advertisements during an episode of 'Seinfeld'.	Time occupied by non-program matter.
TCN 9 Sydney	A Current Affair	Dealing responsibly with important issues; accuracy and fairness; complaint not responded to.	Complaints handling.
TCN 9 Sydney	program promotion for <i>Sixty Minutes</i>	Placement of program promotion; complaint not substantively responded to.	Complaints handling.
TCN 9 Sydney	Today	Inaccurate representation of Zoroastrians; complaint not substantively responded to.	Accuracy and fairness; complaints handling.
TVT (WIN) Hobart	Burke's Backyard	References to rape in a PG classified program.	Depictions of and references to sexual behaviour in a PG classified program.
QTQ 9 Brisbane	promotion for the movie 'Creature'	Unsuitable promotion in a G viewing period.	No 'genuinely threatening or frightening situations' during promotions in a G viewing period.
GTV 9 Melbourne	National Nine News	Accuracy and bias in item on gun control; complaint not responded to within 10 days.	Complaints handling.
ATV 10 Melbourne	telephone-sex advertisements	Inappropriate screening during a sports program; complaint not responded to.	Complaints handling.
Commercial radio			
2GB Sydney	Mike Gibson	Factual material not presented accurately; comments likely to perpetuate hatred against homosexuals and Japanese; complaint not responded to.	Complaints handling.
2GB Sydney	Brian Wilshire	Factual material not presented accurately; gratuitous vilification of aborigines; complaint not responded to.	Complaints handling.
2GB Sydney	Mike Jeffreys	Viewpoints not represented fairly; gratuitous vilification of homosexuals; complaint not responded to.	Complaints handling.
Community radio			
3WRB Melbourne	management practices	Presenters taken off air; inadequate and unfair dispute resolution procedures.	Dispute resolution.
3CCC Bendigo	sponsorship announcements	Unfair suspension of presenter; complaint not responded to.	Dispute resolution; complaints handling.
Low power open narrowcasting services			
Smooth FM Byron Bay	category of service	Low power open narrowcaster is providing a service of broad rather than narrow appeal.	Providing a commercial radio broadcasting service without a licence.*

All breaches were of a code of practice unless indicated: * breach of the Broadcasting Services Act 1992

From 1 October 1998 to 30 December 1998, 17 investigations completed by the ABA resulted in breaches being found of either a code of practice or the Act. There was one breach per investigation.

Eleven of the breaches related to commercial television, three to commercial radio, two to community radio, and one to a low power open narrowcasting service. The 17 breaches covered six broad issues: the amount of scheduled non-program matter during prime time television (three), complaints handling (eight), classification of material (two), accuracy and fairness (one), dispute resolution by community broadcasting stations (two) and providing a commercial radio service without the appropriate licence (one).

Breaches by the various commercial television stations of the section of the Commercial Television Industry Code of Practice dealing with the amount of allowable non-program matter scheduled during prime time resulted in substantial changes to that section being

made in the revised code, which came into effect in April 1999.

TCN 9 Sydney: the Nine Network informed the ABA that the complainant would be used as a contact for future stories on minority religions, ensuring that the breach would not be repeated.

WIN TV Tasmania: the licensee disputed the decision but undertook to forward the ABA's comments and views on the matter to the producers of the program.

QTQ 9 Brisbane: the Nine Network undertook to implement changes to the procedures for classifying program promotions at QTQ 9.

ATN 7, TCN 9, GTV 9, ATV 10: the licensees of these stations took appropriate remedial action, except the licensee of GTV 9 who disagreed with the ABA's decision. GTV 9 had responded to the complaint within 30 working days but had not advised the complainant within ten working days that a response would be forthcoming, as is required by the code.

2GB Sydney: the licensee stated that the reason for these breaches was the sheer volume of correspondence from the complainant concerned. However, procedures have now been put in place at 2GB to ensure timely responses to future written complaints.

3WRB Melbourne: the licensee has adopted the procedures for dispute resolution as outlined in the model rules of the Associations Incorporation Regulations.

3CCC Bendigo: the management of the station has changed since the dispute matter raised by the complainant took place. The station now investigates and files all letters of complaint.

Smooth FM Byron Bay: the ABA issued the licensee with a notice directing that licensee to cease providing a commercial radio broadcasting service without a license to do so the licensee ceased providing that service.

In all of the above cases the ABA was satisfied with the remedial action taken by the licensees as a result of the ABA's findings, and took no further action.

Investigations completed by the ABA October – December 1998: No breach finding

Call sign	program/advertisement/issue	substance of complaint	relevant code/licence condition
Commercial television			
TEN 10 Sydney	movie <i>The Usual Suspects</i>	Offended by bad language.	Language in an M classified program.
SAS 7 Adelaide	movie <i>The Professional</i>	Offended by theme and violence	Violence in an M classified program.
Prime Northern	Home Improvement	Subliminal message inserted in opening titles.	Use of the process known as subliminal perception.
QTQ 9 Brisbane	Friends	Inappropriate sexual references.	References to sexual behaviour in a PG classified program.
NBN9 Newcastle	promotion for <i>Third Twin</i>	Unsuitable program promotion in a G viewing period.	Program promotions in G viewing periods.
ADS 10 Adelaide	Totally Full Frontal	Program contained blasphemy, violence and drug use.	Violence and drug use in an M classified program; stirring up severe ridicule on the basis of religion.
Commercial radio			
2MO Gunnedah	broadcast of funeral announcements	Services taken on relay over Easter with no local information.	Providing an adequate and comprehensive service.*
7TTT Hobart	advertisement for Tilford Motors	Advertisement simulated an actual event.	Simulating news or events in such a way as to mislead or alarm listeners; presenting advertisements as news.
Community radio			
3WRB Melbourne	not specified	No community access to station.	Encouraging participation by members of the community. *

All potential breaches were of a code of practice unless indicated: * potential breach of licence condition

Your Say

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.

October–December 1998

Commercial television stations reported 165 written complaints relating to matters covered by the Commercial Television Industry Code of Practice in the fourth quarter of 1998. This was two per

cent lower than in the previous quarter. The number of complaints about sex and coarse language was down noticeably, while complaints about bias increased slightly.

In 15 instances a station agreed that a complaint identified a breach of a code provision. These instances involved:

- inaccuracies in three news items;
- violence in a program promotion (two complaints) and a comedy program;
- a comment in 'A Current Affair' which was considered offensive to old people;

- coarse language in a news report;
- footage of drug use in a news segment;
- inappropriate placement of three commercials;
- discriminatory references to non-Australians in a news item;
- subliminal advertising during a program; and
- inappropriate nudity in a comedy program.

Four complaints had been upheld in the previous quarter.

	Sex/Nudity	Language	Violence	Classification	Bias/Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total
Children's										1		1	0.6
Comedy	8	4	8	1				2				23	13.9
Current Affairs			1	6	36	1		14				58	35.2
Documentary	1											1	0.6
Drama Series	2		1	1				2	1	2	2	11	6.7
Game								2				2	1.2
Information			2		1				1			4	2.4
Movies	1	1	2	1					1			6	3.6
Music Video			1									1	0.6
News		1		8	5			1				15	9.1
Sport				1				1	2	1		5	3.0
Variety			1	1						2		4	2.4
Unspecified		1	1	4						14	1	21	12.7
Promos	5		4	3						1		13	7.9
Total	17	7	21	26	42	1		22	5	21	3	165	100.0
% All Complaints	10.3	4.2	12.7	15.8	25.5	0.6	0.0	13.3	3.0	12.7	1.8	0.0	100.0

Drama Series includes Serials

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

Complaint handling by commercial radio stations

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.

October–December 1998

Member stations recorded 248 complaints (both written and oral) alleging breaches of the codes during the fourth quarter of 1998. As with previous quarters, complaints in relation to Talkback and Discussion continue to dominate the

	Talkback and Discussion	News and Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive matters in	70	12	18	15	15	130
Prohibited matter in	-	-	-	-	-	-
Other complaints	31	3	24	6	54	118
Total	101	15	42	21	69	248

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

number of complaints received under the Codes of Practice (down 30 per cent on

the previous quarter but still representing 28 per cent of all complaints).