



Investigations

2GB Sydney vilification and complaints handling

Complaint

In April and July 1998 the ABA received written complaints regarding several statements made during talkback programs broadcast on commercial radio station 2GB Sydney on a number of dates between 20 January 1998 and 27 February 1998. The complainant also alleged that the licensee of 2GB, Macquarie Radio Network Pty Ltd had failed to respond to several of the complainant's letters.

Relevant code

The ABA assessed the broadcasts against the following sections of the Commercial Radio Codes of Practice and Guidelines:

1.3 – Programs Unsuitable for Broadcast

A licensee shall not broadcast a program which:

- (a) is likely to incite or perpetuate hatred against; or
- (b) gratuitously vilifies;

any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion or physical or mental disability.

5.2 – Complaints

A licensee shall make appropriate arrangements to ensure that:

- (a) complaints will be received by a reasonable person or persons in normal office hours;
- (b) complaints will be conscientiously considered, investigated if necessary, and responded to as soon as practicable;
- (c) a record of complaints will be kept in accordance with Clause 5.4

Decision

In reaching its decision the ABA noted that talkback radio is often characterised by the forceful presentation of personal viewpoints which often necessitates drawing a fine line between compliance with the code and material

that may offend sections of the audience. In order to determine whether a breach of the code has occurred, the ABA considers the likely impact of a program upon the 'reasonable listener'. The ABA considers a reasonable listener would be one who would not be particularly susceptible to being roused to hatred, contempt or vilification, nor one who takes an irrational or extremist view of relations between different groups.

The ABA is of the view that only programs or material that allow or promote extreme views contrary to general community standards and attitudes would be likely to fall within the boundaries of the code.

It is also recognised that individual callers to a program may make statements which could amount to vilification, but that they can be tempered, balanced or modified by the words and approach of the announcer concerned.

In this case, the ABA is of the view that none of the comments broadcast breached clause 1.3 of the codes. Many of the comments, particularly by callers to the program would have clearly offended a number of listeners, however, the ABA was satisfied that in each program the announcer or other callers tempered such comments.

The ABA found that the licensee breached clause 5.2 (b) of the codes by not replying to the complainant's letters dated 20 January 1998, 27 January 1998, 2 February 1998, 2 February 1998 and 3 April 1998.

Action taken

The licensee stated that the reason for the failure to reply to each of the complainant's letters was due to the sheer volume of correspondence from the complainant.

The licensee stated that new procedures had been put in place at 2GB which would insure that all future complaints would be replied to in a timely manner and in accordance with the provisions of the codes.