

Under the Broadcasting Services Act, each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of its section of the industry. The ABA monitors the operation of these codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the broadcaster concerned. The quarterly series is compiled by David Smith, ABA Codes and Conditions section.

## ABA investigations into programming matters

### Investigations by the ABA

The ABA completed 35 investigations in the quarter to 31 March 2000.

Thirteen investigations resulted in 16 breach findings. Of these, seven related to commercial television, three to commercial radio, and three to temporary community radio. The 16 breaches covered seven broad issues: complaints handling (six), licence conditions (three), classification of material (three), dispute resolution by a community broadcasting station (one), host-selling in a children's program (one), vilification (one) and broadcasting a conversation without permission (one).


Twenty-two investigations resulted in no breach findings.

### The complaints process

Under codes of practice, primary responsibility for the resolution of complaints rests with the broadcasters themselves. The Act lays down a general procedure for complaint handling whereby complainants are required to approach the broadcaster first, who in turn is obliged to respond. However, if a complainant does not receive a response within 60 days, or considers the response received to be inadequate, the matter can be referred to the ABA for investigation. The ABA refers to these as unresolved complaints and must investigate complaints so made.

Complaints in relation to possible breaches of the formal program standards (children's television and Australian content), of the Act itself and of licence conditions may be made directly to the ABA. That is, complainants are not obliged to contact the broadcaster first.

The ABA may make a finding that a broadcaster has breached a code of practice or a broadcaster may admit a breach of a code. Breaches of the codes are not breaches of the Act, although the ABA may make compliance with a code a condition of licence. Generally the ABA seeks to ensure that broadcasters take action to remedy breaches or to put in place procedures to ensure they do not recur.



# Your Say

## Investigations completed by the ABA

1 January – 31 March 2000: breach finding

Call sign	program/advertisement /issue	substance of complaint	code/ section of the Act applicable to breach finding
<b>Commercial television</b>			
ATN7 Sydney	Big Breakfast	Presenters of a children's program promoted a product	Host-selling during a children's program
TCN9 Sydney	60 Minutes	Unsuitable language in a PG timeslot; no substantive response to complaint	Complaints handling
TCN9 Sydney	Australia's Funniest Home Video Show	Violence depicted was too strong for a PG classified program	Excessive violence for a PG rated program
TEN10 Sydney	Beauty and the Beast	Simulating news/events; complaint not responded to in timely fashion	Failure to respond to complaint within 30 working days
GTV9 Melbourne	60 Minutes program promotion	Promotion shown during a G classified program depicted violence towards children	Promotion too violent to be shown during a G classified program
QTQ9 Brisbane	Today Show	Material not suitable for unsupervised children to watch	Nudity during a G classified program
SAS7 Adelaide	Today Tonight	Invasion of privacy; complaints handling	Failure to advise complainant of right to take matter to the ABA
<b>Commercial radio</b>			
2CH Sydney	advertisement	Referendum advertisement not tagged	Political matter not tagged with the required particulars*
2WIN Wollongong	Matthew Smith	A conversation was secretly taped and then broadcast	Broadcasting a conversation without permission; committing an offence against another Act *
3BDG Bendigo	Night Zone	Encouraging alcohol consumption; complaint not dealt with properly	Complaints handling
<b>Temporary community radio</b>			
Cool FM	not specified	Broadcasting advertisements	Broadcasting advertisements *
Nthn NSW			
Port Stephens FM	Mick and Chris Show	Vilification of homosexuals; complaint not substantively responded to	Vilification on the basis of sexual preference; complaints handling
Central Melbourne FM	not specified	Dispute between management and volunteers not handled correctly	Conflict resolution; complaints handling

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

## Summary of outcomes

The licensees have taken the following action:

**ATN 7:** The format has been changed so that any 'road testing' of products will be done by children or teenagers not otherwise connected with the program.

**TCN 9 (60 Minutes):** Producers of the program have been reminded of their responsibilities in relation to complaints handling.

**TCN 9 (Australia's Funniest Home Videos):** Offending footage has been tagged to indicate that it should not be used again. The ABA is concerned about internal procedures and is following up the matter with the licensee.

**TEN 10:** Procedures have been reviewed

to avoid similar occurrences in the future.

**GTV 9:** The matter has been drawn to the attention of the producers of the program promotion and those responsible for complaints handling.

**QTQ 9:** Nine has not advised of any action it intended to take as a result of the finding. The ABA is following up the matter with the licensee.

**SAS 7:** New personnel now responsible for complaints handling have been made aware of their obligations.

**2CH:** Relevant personnel have been issued with a memorandum regarding 2CH's obligations under the Act.

**2WIN:** The station has cautioned the

presenter responsible for the taped conversation being broadcast.

**3BDG:** The licensee has been made aware of its obligations in dealing with all complaints.

**Cool FM:** The offending program has now been taken off air. Cool FM have also introduced training schemes, changed the management structure and amended internal procedures.

**Port Stephens FM:** The complainant was provided with a written and an on-air apology. The incident has now been incorporated into the station's training sessions.

**Central Melbourne FM:** Action to be taken as a result of these breaches is still being considered.

## Investigations completed by the ABA

### 1 January – 31 March 2000: No breach finding

<i>Callsign</i>	<i>program/advertisement/ issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
<b>Commercial television</b>			
WIN Wollongong	Curse of the Blair Witch	A work of fiction was presented as factual	Simulating events to mislead people.
CTC 10 Canberra	Unreal TV Adults Only	Offensive sexual content	Sex and nudity in an M classified program
GTV9 Melbourne	Seven Signs of Christ's Return	Program promoted a mistrust of others	Program likely to provoke intense dislike against a group
GTV9 Melbourne	The Sopranos	Language was offensive to Christians	Language in an AV classified program
VTV9 Ballarat	Paul Zenon – Turning Tricks	Unacceptable language	Language in a PG classified program
BTQ7 Brisbane	Home Improvement	Offensive language	Language in a G classified program
QTQ9 Brisbane	Sex and the City	Program is indecent, crude and rude	Criteria for MA classified program
QTQ9 Brisbane	National Nine Early News	News story featured naked people	Nudity in a G classified program
ADS10 Adelaide	News	No local news service	Contributing to the provision of an adequate and comprehensive range of services *
TVQ10 Perth	Unreal TV	Program exploited the female body	Sex and nudity, language in an M classified program
SIW9 Perth	60 Minutes	Inaccuracy in current affairs	Accurate presentation of material
<b>SBS television</b>			
SBS TV	In Heaven As It Is On Earth	Movie is blasphemous and lampoons Christianity	Treatment of religion
SBS TV	South Park	Offensive to Christians	Treatment of religion
<b>Commercial radio</b>			
3AW Melbourne	Frankston East Forum	Political debate was confined to two main parties	Presentation of significant viewpoints
3AW Melbourne	News	Political advertisement broadcast on same day as election	Broadcasting of election advertisements during 'blackout' period *
3BDG Bendigo	Advertisement Bundy & Cola	Encouraging misuse of alcohol	Advertisements relating to medicines *
3BAY Geelong	Wake Up Club	Broadcast of discriminatory and sexist jokes	Perpetuating hatred against a group on the basis of gender
4BC Brisbane	not specified	Too many program 'networked' from Sydney	Contributing to the provision of an adequate and comprehensive range of services *
6PR Perth	Howard Sattler	Racist comments about Serbs	Program likely to provoke intense dislike against a group
7EX Launceston	not specified	Word 'bloody' used in a milk advertisement	Gratuitous use of offensive language
<b>Community radio</b>			
3ECB Melbourne	not specified	Cancellation of program without consultation	Serving the community interest *
<b>ABC Radio</b>			
3LO	Veterinary Advice	Racist and discriminatory references to duck shooters	Avoidance of stereotypes and discrimination

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

# Your Say

## Complaint handling by commercial television stations

### January - March 2000

Commercial television stations reported 237 written complaints relating to matters covered by the code in the first quarter of 2000. This was 12 per cent more than the number of complaints reported in the previous quarter. The proportion of the complaints about violence and sex dropped significantly, while complaints about commercial placement increased.

In 13 instances a station agreed that a complaint identified a breach of a code provision. These instances involved:

- improper complaints handling (four complaints);
- failure to caption, or properly caption, programs that were advertised as being captioned (three);
- lack of care in the selection of broadcast material by 'Seven Nightly News' (two);

- inappropriate placement of a promo for 'Unreal TV';
- inappropriate placement of a promo for 'The Last Warriors';
- insensitivity by 'National Nine News' to relatives of a murder victim;
- inappropriate placement of a commercial.

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

Complaints made to commercial television stations about programs: January - March 2000

	Sex/nudity	Language	Violence	Suicide	Drug use	Classification	Bias/inaccuracy	Privacy	Discrimination	Comm. content	Comm. placement	Comm. general	Closed caption	Complaint handling	Total	% All complaints
Children's			1						1						2	0.8
Comedy	20	1	3			23			1						49	20.7
Current Affairs						3	15	1					2		21	8.9
Documentary	1					2									3	1.3
Drama Series	5					3			1	2	2		1		14	5.9
Game															0	0.0
Information	2	4	1			4	2		2						15	6.3
Movies		2	3			2			2	2			1		12	5.1
Music Video										2					2	0.8
News						6	8	5	1				2		22	9.3
Sport									2	1					3	1.3
Variety	10		4			3			7						24	10.1
Unspecified	1								1		48				55	23.2
Promos	3	1				11									15	6.3
<b>Total</b>	<b>42</b>	<b>8</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>57</b>	<b>25</b>	<b>6</b>	<b>12</b>	<b>8</b>	<b>55</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>237</b>	<b>100.0</b>
% All Complaints	17.7	3.4	5.1	0.0	0.0	24.11	10.5	2.5	5.1	3.4	23.2	0.0	3.4	1.7	100.0	

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary March Quarter 2000

## Complaint handling by commercial radio stations

The Commercial Radio Codes of Practice require each commercial radio broadcaster to provide FARB with an extract of the record of complaints received. FARB provides a consolidated report to the ABA.

Member stations recorded 271 written complaints alleging breaches of the codes during this quarter. Talkback and Discussion continue to dominate the number of complaints received under the codes.

	Talkback & discussion	News & current affairs	Music programs	Advertising	Miscellaneous	Total
Offensive matters in	47	5	9	16	13	90
Prohibited matter in	2	0	1	3	0	6
Other complaints	84	27	16	6	42	175
<b>Total</b>	<b>133</b>	<b>32</b>	<b>26</b>	<b>25</b>	<b>55</b>	<b>271</b>

Source: FARB Commercial Radio Codes of Practice: Complaints Summary March Quarter 2000