



Coarse and offensive language on commercial television

The ABA is concerned about reports suggesting it has relaxed the rules concerning the use of coarse and offensive language on commercial television. In particular, it has been suggested that stations may now use the 'F' word in the early evening.

'There have in fact been no changes', said Professor Flint. 'The ABA has no list of forbidden words. Television is an influential medium, coming into the living rooms of the nation. There is a need therefore to respect community standards and especially to protect children. This is done by the careful classification of most programs and by the requirement for adequate warnings.'

'The use of the language changes over the years and it is for the ABA to ensure that broadcasting is consistent with community standards. The context in which coarse and offensive words are used and the likely audience of the program are important factors.'

'Let me stress that no green light has been given to the free and unrestricted use of offensive language at any time.'

'The ABA is currently scoping a research project on community attitudes to coarse and offensive language. It hopes results of the study will be available later this year,' Professor Flint said.

The current misunderstanding appears to have arisen from an investigation by the ABA into a segment broadcast on TCN9 Sydney (TCN) in the current affairs program '60 Minutes' on 26 September 1999.

Complaint

On 13 October 1999, the ABA received a complaint from a member of the

public concerning offensive language in the segment. The complainant had made a written complaint to TCN about the matter but, dissatisfied with the response, he referred the matter to the ABA.

Many of those who have recently commented on the issue seem to be unaware that news and current affairs programs are not subject to the same classification requirements as other programs. Under the Commercial Television Industry Code of Practice, news and current affairs programs do not require classification, provided that care is exercised in selecting material for broadcast. Broadcasters must have regard to the likely audience of the program, any identifiable public interest reason for presenting the program material and the need to provide viewers with adequate prior warning of material that may be distressing or offensive.

In the '60 Minutes' segment, the reporter, Mr Jeff McMullen, canvassed the opinions of a range of people about the changing attitudes to the use of coarse language. This followed a magistrate's finding that a particular use of the 'F' word was not offensive in the context of a case before him.

A spoken warning preceded the segment, saying it would contain very coarse language, and that this may offend some viewers. This was accompanied by a written warning. An additional warning was provided by the reporter in the introduction to the segment.

The ABA completed its investigation into the matter on 19 November 1999. It accepted TCN's submission that there was an identifiable public interest rea-

son for presenting the program material: the debate about the use and level of public acceptance of coarse language following the magistrate's finding.

The ABA is of the view that, as the segment was likely to cause serious offence to a substantial number of viewers, it was appropriate for TCN to provide viewers with adequate prior warning of the material. The ABA found that the warnings given by TCN complied with the requirements of the code.

Relevant code of practice

Section 2 of the code sets out the requirements for the classification of programs. Section 2 provides, in part:

Classification of Material

2.3 All Material to be Classified: Except for material specified in Clause 2.3.1, all material for broadcast must be classified according to Clauses 2.10–2.20 or, where applicable, the stricter requirements of Section 3: Program Promotions and Section 6: Classification and Placement of Commercials.

2.3.1 Exception for News, Current Affairs and Live or Near-live Sporting Programs: these programs do not require classification, provided that the licensee exercises care in selecting material for broadcast having regard to:

2.3.1.1 the likely audience of the program; and

2.3.1.2 any identifiable public interest reason for presenting the program material.

2.8 Material Which May Distress or Offend Viewers: Only if there is an identifiable public interest reason may a licensee broadcast a news or current



affairs program containing material which, in the licensee's reasonable opinion, is likely to distress or offend a substantial number of viewers.

2.8.1 If such material is likely, in the licensee's reasonable opinion, to seriously distress or seriously offend a substantial number of viewers, then the licensee must provide the adequate prior warning required by Clause 2.30.

This obligation is set out again as subclause 4.3.4 of the code which provides:

4.3 In broadcasting news and current affairs programs, licensees:

...

4.3.4 must provide the warnings required by Clauses 2.8 and 2.30 of this Code when there is an identifiable public interest reason for selecting and broadcasting visual and/or aural material which may seriously distress or seriously offend a substantial number of viewers.

Warnings Before Certain News, Current Affairs and Other Programs

2.30 A licensee must provide prior warning to viewers when a news, current affairs, or other program which does not carry consumer advice includes, for an identifiable public interest reason, material which in the licensee's reasonable opinion is likely to seriously distress or seriously offend a substantial number of viewers. The warning must precede the relevant item in a news and current affairs program and precede the program in other cases.

2.31 Warnings before the broadcast of material of this nature must be spoken, and may also be written. They must provide an adequate indication of the nature of the material, while avoiding detail which may itself seriously distress or seriously offend viewers.

Warnings

The ABA is of the view that the '60 Minutes' segment, broadcast in a program commencing at 7.30 p.m., was likely to cause serious offence to a substantial number of viewers and therefore pursuant to subclauses 2.8.1 and 4.3.4 of the code TCN was required to provide viewers with adequate warning as set out in subclauses 2.30 and 2.31 of the code.

Prior to the commencement of the

segment TCN provided the following warnings:

- Written warning — full screen on red background

- L — Coarse Language Warning

- Spoken warning

- Channel Nine wishes to advise that the following segment of '60 Minutes' features a story on the use of very coarse language in today's society. The language used may offend some viewers. Parental discretion is advised.

- Warning given by the presenter as an introduction to the segment

- There haven't been many stories on '60 Minutes' over the years that I wouldn't want my own kids to see, but this is one. In fact, anyone likely to be offended by the use of coarse language should be warned that this story is full of it, because it's about it. It's about the 'f' word. Once taboo, but now in such common usage, a magistrate has just ruled that it's no longer offensive when used against police. There's not a one of us who's not heard the 'f' word and who doesn't have an opinion on its use — but please, if it does offend, don't ring or write, just turn off for the next thirteen minutes or so.

Likely audience of the program

In exempting licensees from classifying news and current affairs programs, subclause 2.3.1 of the code requires licensees to exercise care in selecting material for broadcast having regard to the likely audience of the program and any identifiable public interest reason for presenting the program material. Although it is broadcast in a 'PG' viewing period on Sunday evenings, '60 Minutes' is a current affairs program for the purposes of the code. The target audience is likely to be an adult audience. However, the nature of the warnings given by TCN suggests that it took account of the fact that children may also be viewing at that time.

Decision

The ABA considered the warnings given demonstrate that TCN had regard to the likely audience of the program in selecting the material for broadcast. The ABA also considered that there was an identifiable public interest reason for presenting the program material. ❏

HSV 7 Melbourne

Promotion for Ally McBeal

Complaint

The ABA received an unresolved complaint about a program promotion for 'Ally McBeal' broadcast by HSV Channel 7 Pty Ltd on 28 March 1999. The complainant claimed that the program promotion contained unacceptable language for the classification time zone and would have been more appropriately broadcast at a later time.

The promotion was broadcast at 7.50 p.m. during 'Home Improvement' which is classified G. The promotion contained the word 'bitch'.

Relevant code of practice

The relevant requirements of the April 1993 Commercial Television Industry Code of Practice are set out in section 3:

3.6 In G viewing periods and in all G programs starting at 3.30 p.m. on a weekday, or broadcast between 7.30 p.m. and 8.30 p.m. on any day, no program promotion may include material (whether visual or auditory) which involves:

3.6.10 improper language, including mild expletives.

Decision

The ABA found that HSV Channel 7 Pty Ltd breached clause 3.6.10 of the code by broadcasting a program promotion that contained improper language in a G classified program broadcast between 7.30 p.m. and 8.30 p.m.

Action taken

Seven Network Limited has not proposed any particular remedial action in response to the ABA's findings in this investigation. The ABA has sought information from Seven on its procedure for classifying promotions and is pursuing this issue further. ❏