

# ABA investigations into programming matters

Under the *Broadcasting Services Act 1992*, each broadcasting industry sector has developed codes of practice applicable to 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 complainant and broadcaster.

**Investigations summary:**

- Number of ABA investigations finalised in the six months — 65
- breach finding — 23
- no breach finding — 42.

Following is a summary of ABA investigations into programming matters in the six months to 30 September 1999.

**Investigations completed by the ABA April — September 1999: breach finding**

<i>Callsign</i>	<i>program/ advertisement/issue</i>	<i>substance of complaint</i>	<i>code/section of the Act applicable to breach finding</i>
<b>Commercial television</b>			
HSV7 Melbourne	Today Tonight	Invasion of privacy; complaints handling.	Informing complainant of right to take complaint to the ABA.
HSV7 Melbourne	program promotion— Ally McBeal	Inappropriate placement of program promotion.	Program promotion in G time.
BTQ7 Brisbane	Today Tonight	Minor was identified on-camera.	Invasion of privacy.
BTQ7 Brisbane	Home and Away	Inappropriate classification.	G classification criteria.
TVQ10 Brisbane	The Bold and the Beautiful	Inappropriate classification.	G classification criteria.
STQ7 Nth Queensland	Off the Beatty Track	Inappropriate nudity and sexual references.	Nudity and sexual references in G classified program.
WIN Canberra	News	Item on needle exchange did not present viewpoints accurately and fairly; complaints handling.	Informing complainant of right to take complaint to the ABA.
BTQ7, QTQ9, TVQ10, RTQ, STQ, TNQ	political advertisements	Governmentt advertisements about hospitals and education are not followed by required particulars.	Licence condition: clause 4(2) of Schedule 2 of the Act.*
<b>SBS TV</b>			
SBS TV	program promotion — My One-Legged Dream Lover	Inappropriately explicit material.	Program promotion in G time.
<b>Commercial radio</b>			
2GB Sydney	Graham Richardson	Complainant's name and suburb were broadcast; complaints handling.	Invasion of privacy; complaints handling.
2ONE	Mark Hine Breakfast Show	Unacceptable language; no response to complaint.	Offensive language; complaints handling.
4TOO	Townsville Bulletin	Broadcast material was not retained. Act.*	Licence condition: clause 5(2) of Schedule 2 of the Act.*
4HOT	not specified	Offensive language in song; no response to complaint.	Complaints handling.
5SSA	Toni Tenaglia	Conversation was broadcast without permission.	Broadcasting words of an identifiable person without their permission.



# Your Say

Callsign	program/ advertisement/issue	substance of complaint	code/section of the Act applicable to breach finding
<b>Community radio</b>			
3CCC	not specified handling.	Station not abiding by conflict resolution codes.	Conflict resolution; rights of volunteers; complaints
3WRB	not specified	Denial of access.	Conflict resolution.
6CRA	not specified	Offensive language; no response to complaint.	Complaints handling.
<b>Temporary community radio</b>			
2CR	advertisements	Too many advertisements. the Act*.	Licence condition; clause 9(1)(b) of Schedule 2 of
<b>Open narrowcast radio</b>			
Classic Hits	not specified	Station is providing a commercial broadcast service.	Providing a commercial broadcast service.*
Sunshine Coast			
KFM88	not specified	Station is providing a commercial broadcast service.	Providing a commercial broadcast service.*
Kingaroy			
Best FM	not specified	Station is providing a commercial broadcast service.	Providing a commercial broadcast service.*
Bundaberg			
Best FM	not specified	Station is providing a commercial broadcast service.	Providing a commercial broadcast service.*
Bundaberg			
FM88	not specified	Station is providing a commercial broadcast service.	Providing a commercial broadcast service.*
Springwood			

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

## Summary of outcomes

**HSV7 Today Tonight:** The breach was brought to the attention of the producer of 'Today Tonight'.

**HSV7 Ally McBeal promo:** The ABA sought information from the Seven network regarding the classification of program promotions.

**BTQ7 Today Tonight:** The Seven network amended its policy on naming children in connection with possible criminal offences. The network also made written apologies to the person concerned and to the Department of Families, Youth and Community Care.

**BTQ7 Home and Away:** Copies of the ABA's report were distributed to relevant staff, who also received training on the G classification.

**BTQ7, QTQ9, TVQ10, RTQ, STQ, TNQ:** The ABA has developed and published *Guidelines for the Broadcasting of Political Matter*.

**STQ7:** The ABA sought information from the station regarding the action it would take as a result of the ABA's findings.

**TVQ10:** Network Ten incorporated the ABA's finding into the principles it applies in classifying programs for broadcast.

**WIN:** The station has taken action to prevent the breach from occurring again, including re-issuing staff with

company policies and procedures.

**SBS TV:** SBS did not accept the ABA's finding regarding the program.

**2CR** — The station informed the ABA that the issue of broadcasting advertisements had been addressed. At the time that the investigation was finalised 2CR did not hold a temporary community broadcasting licence.

**2GB:** The presenter concerned has been advised not to announce the address of listeners who contact the program; new complaints handling procedures have been implemented.

**2ONE:** Staff have received training and reminded of their responsibilities; new complaints handling procedures have been implemented.

**3CCC** — The licensee was advised by the ABA to begin mediation action between the station and the complainant in order to resolve the dispute.

**3WRB** — The station has introduced new dispute resolution procedures to deal with future disputes.

**4HOT** — New complaints handling procedures have been implemented.

**4TOO:** Station management has implemented new control procedures for retaining tapes of matter broadcast.

**5SSA:** Station staff have been reminded of their responsibility to inform callers when the call is being recorded and to

gain express permission before broadcasting a person's words. The station also apologised to the complainant on a number of occasions.

**6CRA** — The station has assured the ABA that it will abide by the ABA's decision.

**Best FM Bundaberg (1)** — The ABA issued Best FM Bundaberg with a notice to stop providing a commercial broadcasting service without a licence.

**Best FM Bundaberg (2)** — The ABA issued Best FM Bundaberg with a second notice to stop providing a commercial broadcasting service without a licence. Follow-up action is continuing.

**Classic Hits Sunshine Coast** — The ABA issued Classic Hits FM with a notice to stop providing a commercial broadcasting service without a licence. Classic Hits FM has ceased providing the service.

**KFM88 Kingaroy** — The ABA issued KFM88 Kingaroy with a notice to stop providing a commercial broadcasting service without a licence. Follow-up action is continuing.

**FM88 Springwood** — The ABA issued FM88 Springwood with a notice to stop providing a commercial broadcasting service without a licence. Follow-up action is continuing.

## Investigations completed by the ABA : April - September 1999: 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>			
ATN7 Sydney	program promotion — JAG	Violent content inappropriate for G time.	Promotions shown during G time.
ATN7 Sydney	program promotion — Ally McBeal	Inappropriately shown during G time.	Promotions shown during G time.
ATN7 Sydney	advertisement	Breach of Tobacco Advertising Prohibition Act.	Licence condition: clause 7(1)(a) of Schedule 2 of the Act*.
TCN9 Sydney	Cricket	Breach of <i>Tobacco Advertising Prohibition Act 1992</i> .	Licence condition: clause 7(1)(a) of Schedule 2 of the Act*.
TCN9 Sydney	Good Medicine	Program was misleading and inaccurate.	Accuracy and fairness; misrepresentation of viewpoints.
TCN9 Sydney	60 Minutes — 20 Year Anniversary Edition	Segment on Chelmsford Hospital was inaccurate.	Accuracy and fairness.
TCN9 Sydney	Melbourne Comedy Gala 1999	Offensive language in referring to One Nation party.	Severely ridiculing on the basis of political beliefs.
TCN9 Sydney	News	Complaints handling; inaccuracy.	Accuracy and fairness; complaints handling.
TEN10 Sydney	Beauty and the Beast	Inappropriate language for PG classification.	Language/references to sexual behaviour in a PG program.
TEN10 Sydney	World's Wildest Police Videos	Inappropriate PG classification due to footage.	Violence in a PG program.
NBN9 Newcastle	advertisement — Jeans West	Advertisement is obscene.	Suitability of G classification.
NBN9 Newcastle	advertisement	Breach of <i>Therapeutic Goods Act 1989</i>	Licence condition: clause 6(2) of Schedule 2 of the Act. *
NRN10 Coffs Harbour	Beauty and the Beast	Inappropriate language and behaviour for a PG classified program.	Sexual references and language in a PG program.
CTC10 ACT	News	Children filmed without permission.	Invasion of privacy.
CTC10 ACT	Good News Week	Program ridiculed the Mother of God.	Stirring up hatred on the basis of religion.
WIN ACT/Illawarra	Lost On Earth	Language and sexual references.	Language in a PG program.
ATV10 Melbourne	Beauty and the Beast	Complaints handling and offensive comments about the mentally ill.	Severely ridiculing on the basis of mental disability.
ATV10 Melbourne	Good News Week	Offensive comments made about the Pope.	Stirring up hatred on the basis of religion.
GTV9 Melbourne	The Footy Show	Racial vilification and complaints handling.	Stirring up hatred on the basis of race; complaints handling.
GTV9 Melbourne	The Midday Show	Firewalking segment shown during PG program.	Suitability of material in PG program.
QTQ9 Brisbane	Today	Segment about daughter was inaccurate.	Accuracy and fairness; complaints handling.
QTQ9 Brisbane	Water Rats	Scenes of lesbian relationship unsuitable for TV.	Sex and nudity on television.
ADS10 Adelaide	Video Hits	Video clip was inappropriate for a G classification.	Violence in a G program.
ADS10 Adelaide	The Panel	Segment discussed the benefits of free heroin.	Depiction of drug use in an M program.
SES Mt Gambier	News	Misrepresentation.	Misrepresentation of viewpoints.
TVW7 Perth	program promotion — Australia's Most Wanted	Inappropriately shown during football.	Promotions shown during G time.

<i>Callsign</i>	<i>program/advertisement/issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
TVW7 Perth	Today Tonight	Breach of <i>Listening Devices Act 1978</i> (WA).	Licence condition: clause 7(1)(h) of Schedule 2 of the Act*.
TVW7 Perth	Home and Away	Racist comments made about gypsies.	Stirring up hatred on the basis of race.
GWN Regional WA	Rock	Inappropriate language for an 'M' classified program.	Language in an M program.
WIN Tasmania	Changing Rooms	Offended by coarse language in PG classified program.	Language in a PG program.
<b>ABC TV</b>			
ABC TV	7.30 Report	Complainant upset about footage of her son during segment on unemployment.	Discrimination and privacy.
ABC TV	Newsbreak	Newsbreak broadcast during children's program featured distressing material.	Placement of news footage; providing sufficient warning.
<b>SBS TV</b>			
SBS TV	News as 'Macedonia'.	'Former Republic of Macedonia' is referred to only as 'Macedonia'.	Self-identification when referring to groups and individuals.
<b>Pay TV</b>			
Foxtel	Excess Baggage	Promotion for an adult movie was shown at inappropriate times.	Program promotion in PG time.
<b>Commercial radio</b>			
3FOX	advertisement	Violent suggestions were offensive.	Suitability of programs for broadcast.
<b>ABC radio</b>			
ABC Radio	Samantha Donovan	Favourable depiction of suicide during interview.	Reportage of suicide.
ABC Radio	Phillip Clark	Comments regarding corrupt Africans were racist.	Avoidance of discriminatory material.
<b>SBS radio</b>			
SBS Radio	Tamil-language program	Unbalanced coverage.	Presentation over time of a wide range of opinions.
<b>Community radio</b>			
2000 Sydney	Arabic-language program	Service is dominated by Arabic-language programs.	Station must represent the entire ethnic community.*
3WRB	not specified	Alleged denial of access.	Access to air-time.
<b>Temporary community radio</b>			
WILD FM Hervey Bay	not specified	Song contained sexually explicit lyrics. Unfair dismissal and inappropriate way of dealing with volunteers.	Offensive language. Rights of volunteers; conflict resolution; complaints handling.

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

## Complaint handling by commercial radio stations

The Commercial Radio Codes of Practice & 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.

### April–September 1999

Member stations recorded 581 complaints (both written and oral) alleging breaches of the Commercial Radio Codes of Practice during the second and third quarters of 1999.

	<i>Talkback &amp; Discussion</i>	<i>News &amp; Current Affairs</i>	<i>Music Programs</i>	<i>Advertising</i>	<i>Miscellaneous</i>	<i>Total</i>
Offensive matters in	126	10	38	45	70	289
Prohibited matter in	3	-	-	2	-	5
Other complaints	55	24	41	27	140	287
Total	184	34	79	74	210	581

Source: FARB *Commercial Radio Codes of Practice: Complaints Summaries June and September Quarters 1999*

## 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.

### April — September 1999

Commercial television stations reported 462 written complaints relating to matters covered by the Commercial Television Industry Code of Practice in the second and third quarters of 1999.

The number of complaints about sex, violence and coarse language was up noticeably, while complaints about discrimination and commercial placement were down significantly.

In 17 instances a station agreed that a

complaint identified a breach of a code provision:

- insensitivity by 'A Current Affair' in its coverage of a traveller lost in the desert (7 complaints);
- a G time promotion for 'Ally McBeal' (3 complaints);
- nudity in the Western Australian edition of 'Today Tonight' (2 complaints);
- a G time promotion for the 'World's Funniest Commercials';
- offensive language in 'A Current Affair';
- offensive reference in National Nine News to a child with Down Syndrome;
- excessive violence in a program promotion shown during G time; and
- inappropriate placement of an Agfa commercial containing sexual references.

### The complaints process

Primary responsibility for the resolution of complaints rests with the broadcasters. However, if a complainant does not receive a response within 60 days, or considers the response inadequate, the matter can be referred to the ABA for investigation.

Complaints in relation to possible breaches of the formal program standards (children's television standards and Australian content), of the Act itself and of licence conditions may be made directly to the ABA.

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 put in place procedures to ensure they do not recur.



Complaints made to commercial television stations about programs: April–September 1999

	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			3			1			2						6	1.3
Comedy	43	19	18		2	9			42	2	1				136	29.4
Current Affairs	8	1	1		3	16	19	8	10			1			67	14.5
Documentary															0	0.0
Drama Series	5	5	2			16			2	6	3				39	8.4
Game															0	0.0
Information	7	2	27			4			25	1	2				68	14.7
Movies	2	8	3			4			1	3	2				23	5.0
Music Video	2		2												4	0.9
News					2	5	7	4							18	3.9
Sport	1					1	1		1	3	1				8	1.7
Variety	1	1							1	1					4	0.9
Unspecified		2				17			2	39	3	1			64	13.9
Promos	9	1	7			3			3	1	1				25	5.4
<b>Total</b>	<b>78</b>	<b>39</b>	<b>63</b>	<b>0</b>	<b>7</b>	<b>76</b>	<b>27</b>	<b>12</b>	<b>87</b>	<b>19</b>	<b>49</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>462</b>	<b>100.0</b>
% All																
Complaints	16.9	8.5	13.6	0.0	1.6	16.4	5.8	2.6	18.8	4.1	10.6	0.9	0.2	0.0	100.0	

Drama Series includes Serials Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary June and September Quarters 1999

