



# ABC Television

## Complaints handling

### **Complaint**

On 6 November 2000 the ABA received a complaint which alleged that the program 'Four Corners' subtitled 'Deliver Us From Evil', broadcast by ABC Television on 8 May 2000, was depraved.

'Deliver Us From Evil' was an examination of issues regarding sex, violence and nudity on film, television, videos and the Internet. It presented a wide range of views through interviews with individuals, parliamentarians and other representatives of interested organisations and groups. It also included excerpts from a variety of videos, films and other recorded material depicting nudity and sexuality.

The complainant stated that he was concerned by the depiction of fellatio and images of two naked women with a horse. The complainant was also dissatisfied with the response by the ABC, stating that it was 'less than adequate'.

### **Relevant code of practice**

The ABC Code of Practice states:

#### **2. General Program Codes**

2.3 Sex and Sexuality. Provided it is handled with integrity, any of the following treatments of sex and sexuality may be appropriate and necessary to a program:

- It can be discussed and reported in the context of news, information or documentary programs;
- It can be referred to in drama, comedy, lyrics or fictional programs; and
- It can be depicted, implicitly or explicitly.

**6 Warnings** Where appropriate, the audience will be given advance notice of programs or program segments which some viewers or listeners could find distressing or disturbing.

#### **7 Television Program Classifications**

This system of television program classification applies the Guidelines for the Classification of Films and Videotapes issued by the Office of Film and Literature Classification.

Programs having a particular classification under the Office of Film and Literature Classification Guidelines may be modified so that they are suitable for broadcast or suitable for broadcast at particular times.

#### **8 Complaints Handling**

8.1 This Code of Practice does not apply to complaints concerning programs which are or become the subject of legal proceedings.

Complaints that the ABC has acted contrary to this Code of Practice should be directed to the ABC in the first instance. Phone complainants seeking a response from the ABC will be asked to put their complaint in writing. All such written complaints will receive a



response from the ABC within 60 days from receipt of the written complaint.

The ABC will make every reasonable effort to resolve complaints about of Practice matters, except where a complaint is clearly frivolous, vexatious or not made in good faith or the complainant is vexatious or not acting in good faith.

## Decision

The ABA determined that the ABC did not breach codes 2.3, 6 and 7.2 in the 'Four Corners' program 'Deliver Us From Evil'.

As there is no mention of the word 'nudity' in the ABC Codes, the ABA was only able to assess the complaint with reference to sex and sexuality as detailed under clause 2.3 of the code. Under this clause, sex and sexuality can be discussed and depicted, implicitly or explicitly, in the context of news, information or documentary programs provided that it is handled with integrity.

The ABA was of the view that the program treated the issues under discussion in a reasonable and responsible manner. In the scenes showing the horse, there was a brief image of a pony and another quick shot of the head and shoulders of two young women next to the horse. Similarly, no actual act of fellatio was shown on screen. The fleeting images shown were implied not explicit. The images were carefully cropped to minimise possible offence

to viewers and to avoid any display of frontal nudity.

As 'Four Corners' is a current affairs program there was no requirement to display a classification symbol prior to the commencement of the program. A consumer advice warning, however, was broadcast prior to the commencement of the program and the ABA noted the ABC's advice that 'the warning was specifically intended to deter those inclined to watch such material'. This warning meets the requirements of code 6.

With regard to the issue of complaints handling, the relevant section of this code states that the ABC will make every reasonable effort to resolve complaints about code of practice matters, except where a complaint is clearly frivolous, vexatious or not made in good faith or the complainant is vexatious or not acting in good faith.

In its response to the ABA, the ABC acknowledged that its reply to the complainant's initial complaint was unsatisfactory.

The ABC acknowledged that the complainant did not receive a substantive response to his complaint because his letter of complaint was lost in the ABC's internal mail system. The ABC said that it was never its intention not to reply to the complainant in a proper manner and that, 'This was an unfortunate lapse in our internal mail system and is regretted'.

The ABA found that the ABC did not make every reasonable effort to resolve the complaint and therefore breached code 8.1.

## Action taken

The ABC advised the ABA that it was taking steps to prevent or lessen incidents of this nature occurring in the future.

We are currently working towards introducing new software to assist with recording and the management of complaints, as well as other types of audience contact. It is expected that complaints will be logged at the time of receipt thereby reducing the likelihood of a complaint record being lost as happened in this case. New software should also help to ensure that records are stored and transported in accordance with professional records management standards.

Given the admission of a breach regarding complaints handling procedures by the ABC and the steps being taken to address the issues raised, the ABA will take no further action on this matter at this time. The ABA may, however, take this matter into consideration if it finds similar future breaches of the code.

