



## STW 9 Perth

### Complaints handling

#### **The complaint**

On the 25 October 2000, the ABA received a complaint regarding offensive behaviour by one of the regular contributors on 'The Footy Show' program broadcast by the licensee of STW 9 on 3 August 2000. The complainant also stated that he had written to the manager of the station on 25 August 2000 but had received no reply to his letter.

#### **Relevant code of practice**

The Commercial Television Industry Code of Practice relevantly states that:

##### **The Parental Guidance Recommended (PG) Classification**

2.13 Material classified PG may contain careful presentations of adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision.

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2.13.2 **Sex and Nudity:** Visual depiction of and verbal reference to sexual behaviour must be restrained, mild in impact and justified by the story line or program context. Restrained visual depiction of nudity is permitted, but where justified by the story line or program context.

##### **Time Limits on Responses to Code Complaints**

7.9 Where a Code complaint is made about material broadcast by a station within thirty days of its broadcast, the licensee must provide a substantive written response.

#### **Decision**

'The Footy Show' is classified PG and is a humorous discussion program devoted to Australian Rules Football shown before a live audience.

The section of the program in question involved discussion of a recently injured footballer and introduced a sports doctor who described how he injected the spine of the footballer to relieve his symptoms. Sam Newman leapt to his feet and offered to display his spine for the doctor to demonstrate. This involved dropping his trousers with his back to the audience and displaying his buttocks which were slightly obscured using pixellation at times. The doctor then drew a diagram of a face on Sam Newman's lower spine and buttocks with a felt pen.

The code allows for restrained visual depiction of nudity where justified by the story line or program context. The ABA was of the view that the nudity was restrained and justified by the comic intent of the program.

The complainant wrote to STW 9 on 24 August 2000 and receiving no response, then complained to the ABA. The code requires that, when a licensee receives a written complaint about a code matter, the licensee must provide a written response within thirty working days after receipt of the complaint. The licensee did not provide a written response. Consequently, the ABA determined that STW 9 breached clause 7.9 of the code with regard to complaints handling.

#### **Action taken**

The licensee advised the ABA that it had introduced a formal document which outlines complaints handling procedures at the station which should prevent similar breaches in the future. The ABA is satisfied that the station now has a mechanism for responding to written complaints appropriately or referring a complaint to another program producer for a response as required by the code.

