

From 1 July 1996 to 30 June 2004, the ABA found 173 breaches of the Commercial Radio Codes of Practice. The number of breaches in any one year peaked at 102 in 1999–00, whereas in 2002–03 there were three.

Breaches of the Commercial Radio Code of Practice, by issue 1996 – 2004

Issue	1996–97	1997–98	1998–99	1999–00	2000–01	2001–02	2002–03	2003–04	Total
	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	1996 – 2004 No. %
Incitement of hatred or vilification/ discrimination	2 18.2	0 0	0 0	0 0	1 2.8	0 0	0 0	0 0	3 1.7
News/current affairs – advertisements clearly distinguished from news/other programs: viewpoints not misrepresented	3 27.3	0 0	0 0	90 88.2	29 80.6	0 0	0 0	1 20.0	123 71.1
News/current affairs – accurate and fair presentation of facts	1 9.1	1 20.0	0 0	1 1.0	0 0	0 0	0 0	0 0	3 1.7
Invasion of privacy; broadcast word of identifiable person	0 0	2 40.0	1 16.7	3 2.9	0 0	0 0	1 33.3	0 0	7 4.0
Complaints handling	5 45.5	1 20.0	5 83.3	7 6.9	5 13.9	2 40.0	2 66.6	3 60.0	30 17.3
Contemporary standards of decency of likely audience	0 0	0 0	0 0	0 0	1 2.8	2 40.0	0 0	1 20.0	4 2.3
Gratuitous/prohibited language	0 0	0 0	0 0	1 1.0	0 0	1 20.0	0 0	0 0	2 1.2
Australian music	0 0	1 20.0	0 0	0 0	0 0	0 0	0 0	0 0	1 0.6
TOTAL	11 100	5 100	6 100	102 100	36 100	5 100	3 100	5 100	173 100

Table 2: Top three breach issues, 1999–2004

Issue	No.	%
News/current affairs: advertisements clearly distinguished, viewpoints not misrepresented	123	71.1
Complaints handling	30	17.3
Invasion of privacy; broadcast word of identifiable person	7	4.0

Table 3: Three breach issues, 2003–04

Issue	No.	%
Complaints handling	3	60
Contemporary standards of decency and likely audience	1	20
News/current affairs: advertisements clearly distinguished, viewpoints not misrepresented	1	20

The relatively high number of breaches in 1999–00 and 2000–01 came out of the Commercial Radio Inquiry into 2UE Sydney, and subsequent inquiries into 5AD Adelaide, 3AW Melbourne and 6PR Perth. The majority of code breaches found as a result of these inquiries relate to code 2.2(d) which states that in the presentation of current affairs programs a licensee must ensure that viewpoints are not misrepresented, and that material is not presented in a misleading manner; and 3.1(a) which states that advertisements must not be presented as news programs or other programs.

The finding from these inquiries led to the introduction of legally enforceable standards in 2001. The standards require licensees to distinguish advertisements from other program content, and to disclose commercial agreements held by presenters of current affairs programs.

In 2003–04, the highest number of code breaches related to complaints handling, where three breaches were found. Section 5 of the codes state that written complaints must be responded to within 30 days of receipt, and that in the response the complainant is informed of his or her right to refer the matter to the ABA. 