

Under the Broadcasting Services Act each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of 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 the complainant and the broadcaster concerned. This quarterly series is compiled by Trish Cohen, ABA Investigations section.

# Investigations into programming matters, complaint handling

## ABA investigations

### *Summary of ABA investigations into unresolved complaints completed in the quarter ended 30 June 2003*

Number of ABA investigations finalised in the quarter:	22
Investigations resulting in a breach:	14
(the 14 breach investigations resulted in:	
• 17 breaches of a code of practice	
• 4 breaches of a licence condition)	
Investigations resulting in no breach	8

Of the 14 investigations finding a breach, five related to commercial television, seven to community radio, one to community television and one to commercial radio. The 21 breaches covered nine broad issues. These were:

- complaints handling breaches by community television (one), community radio (one) and commercial radio (four)
- the broadcasting of advertisements by community radio services (three)
- privacy in news and current affairs on commercial television (three) and commercial radio (one)
- unfair representation of viewpoints in current affairs on commercial television (one)
- inappropriate language on community radio (one)
- classification issues: placement of promotions in G time on commercial television (one); display of correct classification symbols on commercial television (one); and appropriate classification and scheduling of programs on community television (two) and commercial television (one)
- failure of community radio licensees to have in place: volunteers' guidelines (one); and a written conflict resolution policy (one) and
- broadcasting sponsorships in excess of five minutes per hour by community radio (one).

### **The complaints process**

Under codes of practice, primary responsibility for the resolution of complaints rests with the broadcasters themselves. The Act lays down a general procedure for complaint handling whereby complainants are required to approach the broadcaster first, who in turn is obliged to respond. However, if a complainant does not receive a response within 60 days, or considers the response received to be inadequate, the matter can be referred to the ABA for investigation. The ABA refers to these as unresolved complaints and must investigate complaints so made.

Complaints in relation to possible breaches of the formal program standards (children's television and Australian content), of the Act itself and of licence conditions may be made directly to the ABA. That is, complainants are not obliged to contact the broadcaster first.

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 to put in place procedures to ensure they do not recur.

### **Quarterly summary**

The ABA publishes in *ABA Update* quarterly summary tables of investigations by the ABA into unresolved complaints and complaints about possible breaches of the Act or licence conditions. Summaries of the findings relating to major investigations will continue to appear monthly in *ABA Update*.

This edition also contains, with the cooperation of Commercial Television Australia (CTVA) and Commercial Radio Australia (CRA), quarterly reports of the number and substance of complaints made directly to the commercial broadcasters themselves.

## ABA investigations, April – June 2003

### Breach findings

<i>Callsign</i>	<i>Program/advertisement/ issue</i>	<i>Substance of complaint</i>	<i>Code/licence condition applicable to breach finding</i>
<b>Commercial television</b>			
ATN 7 Sydney	<i>Today Tonight</i>	A report about the complainant's home did not accurately or fairly represent viewpoints, invaded privacy and unfairly identified the complainant.	Privacy and fair representation of viewpoints in current affairs.
ATV 10 Melbourne	<i>Law &amp; Order</i> and <i>The Best of Beauty &amp; the Beast</i>	An M program, <i>The Best of Beauty &amp; the Beast</i> , was shown in a PG time zone; <i>Law &amp; Order</i> , classified MA was advertised as M; complaints handling.	PG zone and display of classification symbols.
HSV 7 Melbourne	<i>Today Tonight</i>	Concerned at accuracy and fairness of viewpoints represented in the segment and about invasion of privacy.	Privacy in current affairs.
TVQ 10 Brisbane	<i>News</i>	Film footage of complainant and her son invaded their privacy.	Privacy in news.
TVQ 10 Brisbane	<i>American Pie</i>	A promotion for <i>American Pie</i> contained sexual references inappropriate for a G classification zone.	Promotions in G – sexual references.
<b>Community television</b>			
Channel 31 Melbourne	<i>Man With the Golden Arm</i>	The movie should have had a higher classification than PG because its main theme was Sinatra's drug use, complaints handling.	Apply OFLC classification, scheduling with regard to protection of children and complaints handling.
<b>Commercial radio</b>			
4BC Brisbane	<i>Graham Gould</i>	A caller to the program named the complainant as having an affair with a married man, complaints handling.	Privacy and complaints handling.
<b>Community radio</b>			
2NBC Narwee	<i>Macedonian National Program</i>	Advertisements were broadcast during the program on behalf of a local soccer club from which a presenter, but not the licensee, derives income.	Broadcasting advertisements.*
2RES Waverley	<i>Monica Geetmala</i>	The licensee was broadcasting advertisements and broadcasting sponsorship announcements for more than five minutes per hour.	Broadcasting advertisements.*
2LVR Parkes /Forbes	<i>John Laws</i> and <i>Over the Fence</i>	The programs contained untagged advertisements and nominated sponsors who had no genuine commercial relationship with the licensee.	Broadcasting sponsorship announcements in excess of five minutes per hour.*
3MDR Mountain District	Management	The licensee did not have rules for conflict resolution, or guidelines setting out the rights and responsibilities of volunteers.	Volunteer guidelines and written conflict resolution policy in place.

# Your Say

Callsign	Program/advertisement/ issue	Substance of complaint	Code/licence condition applicable to breach finding
5DDD Adelaide	Music Request Program	Offensive language used in songs, insults about the Australian Prime Minister, complaints handling.	Complaints handling.
<b>Temporary community radio</b>			
4RR Charleville	Advertisements	Broadcast of advertisements and sponsorships that exceeded more than 5 minutes per hour. Played music similar to that of the local commercial radio station, 4VL.	Broadcasting advertisements.*
Edge FM Hobart	General programs	Edge FM 99.3 was being influenced by sponsors, broadcast music with inappropriate lyrics and breached sponsorship guidelines.	Consideration of audience regarding language broadcast.

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

## Action taken by licensees

**ATN 7** – The licensee undertook to provide a copy of the ABA’s decision and an explanation of the decision to key personnel in news and current affairs. The licensee will also issue directions to staff to ensure that future programs are consistent with the ABA’s findings.

The licensee also advised that future training in privacy matters will be given to news and current affairs staff.

**ATV 10** – The licensee has put extra checking procedures in place, including a new Integrated Broadcast Management System, to ensure that no M programs are scheduled inadvertently.

**HSV 7** – The licensee will provide key personnel in news and current affairs with a copy of the ABA’s decision, an explanation of the decision and directions to ensure that future program are consistent with the ABA’s determination.

**TVQ 10 News** – The licensee stated its intention to hold a meeting with its reporters and news producers to discuss the ABA’s findings and the implications for reporting stories involving children, with the aim of preventing a recurrence of this breach.

**TVQ 10 American Pie** – The licensee will take into account and reinforce the G requirements of the code on program promotions in order to prevent future similar breaches.

**Channel 31 Melbourne** – The licensee stated that its intention to

appoint a full-time classification officer, who will be trained in classification matters and the application of the Office of Film and Literature Classification’s *Guidelines*.

The licensee also advised that all written responses to complainants will advise them of their right to refer their complaint to the ABA.

**4BC** – The licensee has reviewed its use of the dump button during broadcasts and its staff training, provided additional training to the presenter in question and has brought the complaint in question to the attention of its staff.

**2LVR** – The licensee has installed a large clock with a prominent second hand to assist panel operators to keep within sponsorship time limits, and has introduced strict conditions within which panel operators should work, especially during the *John Laws Show*.

**2RES** – Following the ABA’s findings, the

licensee advised that it had implemented a number of measures designed to prevent future breaches of the licence condition and to ensure that all programmers are fully aware of their responsibilities.

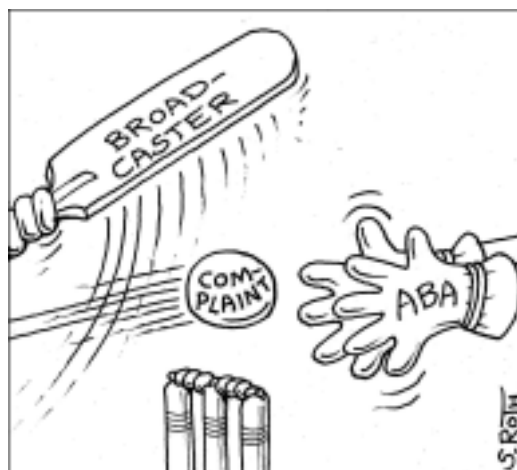
**2NBC** – The licensee advised that, to satisfy the licence condition requirements, it would modify all announcements in which individual businesses are promoted. The program producer would be notified of the ABA’s finding to ensure that future announcements include a suitable tag.

In addition, the licensee will require its station manager to vet all future sponsorship announcements before broadcast.

**5DDD** – The licensee stated that it would present its General Meeting with a draft complaints management policy in accordance with the revised code, following consultation with the Community Broadcasting Association of Australia regarding an interpretation of the revised code.

**4RR** – The temporary licensee stated that the seriousness of the breach has been brought to the attention of all staff and that it has fully addressed the issue to ensure that all sponsorship announcements are correctly tagged.

**Edge FM** – The temporary licensee has provided the ABA with details of the steps that it has taken to ensure future compliance with the code. These include special software and a system of assessment of potentially offensive new music content.



## No breach findings

<i>Callsign</i>	<i>Program/ advertisement/issue</i>	<i>Substance of complaint</i>	<i>Relevant code/licence condition</i>
<b>Commercial television</b>			
BCV/ GLV Regional Victoria	<i>Footballers' Wives</i>	Promotion contained sexual content unsuitable for screening during G time.	Promotions in G.
QTQ Brisbane	<i>Australia's Funniest Home Video Show</i>	Depiction of breast nudity by host was inappropriate for a G classified program.	G – nudity.
TEN 10 Sydney	<i>The Secret Life of Us</i>	Program contained bad language and did not display the L (language) consumer advice with the M classification symbol.	Consumer advice.
<b>Commercial radio</b>			
ZUE Sydney	<i>Steve Price</i>	Steve Price's comments were offensive, bordering on inciting racial hatred.	Vilification on the basis of ethnicity or race.
<b>Permanent community radio</b>			
2WOW Penrith	Management	Licensee did not have a written policy and procedure for conflict resolution.	Written conflict resolution policy in place.
<b>ABC television</b>			
ABC TV	<i>Billy Connolly's World Tour</i>	The program contained coarse language in excess of its M classification.	M – language
ABC TV	<i>Play School</i>	The program contained a depiction of nude women (art work - 'La Danse' by Matisse) which was inappropriate for a children's program.	Care in children's programs and G classification.
<b>SBS television</b>			
SBS TV	<i>SBS World News</i>	Unbalanced reporting on Middle East issues in a program relating to water shortage caused by drought.	Balance in news.

All potential breaches were of a code of practice unless marked: \*potential breach of a licence condition or the Broadcasting Services Act

## Complaint handling by commercial radio stations

Member stations recorded 41 written complaints alleging breaches of the Commercial Radio Codes of Practice during the June quarter of 2003.

	Talkback & discussion	News & current affairs	Music programs	Advertising	Miscellaneous	Total
Offensive matters in	14	–	–	–	7	21
Prohibited matter in	2	–	–	–	2	4
Other complaints	5	1	–	4	6	16
<b>Total</b>	<b>21</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>15</b>	<b>41</b>

Source: CRA Commercial Radio Codes of Practice: Complaints summary June quarter 2003.

# Your Say

## Complaint handling by commercial television stations

### April–June 2003

Commercial television stations reported 224 written complaints about matters covered by the Commercial Television Industry Code of Practice in the second quarter of 2003, 41 per cent more than the 159 complaints reported in the previous quarter.

Complaint numbers were steady or increased in most areas. The number of complaints concerning classification, commercial content, discrimination, language, sex and nudity and violence increased. There was a decrease in the number of complaints concerning bias and inaccuracy, closed captioning, commercial placement and privacy.

### Complaints upheld

In three instances a station agreed that a complaint identified a breach of the code (compared with 11 instances in the previous quarter). These were:

- two complaints regarding inaccurate reporting in a story about Australian Customs shown on *60 Minutes*. The network agreed that they had wrongly identified two customs officials. The

network corrected this error in the following week's program

- there was one complaint made about a music clip shown on *Video Hits Uncut*. The network agreed that the music clip was unsuitable for inclusion in an M classified program. It has ensured that the clip will not be shown in the same program again, and that all music clips classified under the previous classification scheme will be re-evaluated.

### Complaints not upheld

Programs receiving the highest number of complaints (not upheld) were:

- *The Block* (Nine Network) – 23 complaints: most concerned sexual behaviour considered unsuitable for G classification, and portrayal of homosexuals considered to be unsuitable and offensive.
- *A Current Affair* (Nine Network) – 18 complaints: most concerned perceived bias in interviewing or reporting, and sexual references considered unsuitable for the classification.

- *The Footy Show* (Nine Network) – 18 complaints: most concerned language and sexual references considered unsuitable for the classification.
- *60 Minutes* (Nine Network) – 13 complaints: most concerned perceived bias in reporting the Red Cross Bali Appeal, inaccurate reporting, and content in a story on the pornographic film industry considered unsuitable.
- *Australia's Funniest Home Video Show* (Nine Network) – 12 complaints: most concerned nudity, imitable behaviour and sexual references considered unsuitable.
- *Comedy Inc.* (Nine Network) – 12 complaints: most concerned language, sexual references and violence considered unsuitable for M classification.
- *Stripsearch* (Nine Network) – 9 complaints: most concerned sexual behaviour, and portrayal of homosexuality considered unsuitable for G classification.

### Complaints made to commercial television stations about programs: April – June 2003

	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			1			3				1					5	2.2
Comedy	12	6	8			6		2							34	15.2
Current Affairs	5	3		1		1	22	2	4		1				39	17.4
Documentary						3									3	1.3
Drama	1	5	2		1	4			6	2	1				22	9.8
Information	18								1						19	8.5
Movies	3	2	3			5				1					14	6.3
Music video	4														4	1.8
News						3	5	2							10	4.5
Program promo	5	5	3			3	1								17	7.6
Sport	12	2	3			2					1				20	8.9
Unspecified	2		2			12			5	2					23	10.3
Variety	1	2	2			8	1								14	6.3
<b>Total</b>	<b>63</b>	<b>25</b>	<b>24</b>	<b>1</b>	<b>1</b>	<b>50</b>	<b>29</b>	<b>4</b>	<b>18</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>224</b>	<b>100.0</b>
<b>%</b>																
<b>All complaints</b>	<b>28.1</b>	<b>11.2</b>	<b>10.7</b>	<b>0.5</b>	<b>0.5</b>	<b>22.3</b>	<b>12.9</b>	<b>1.8</b>	<b>8.0</b>	<b>1.3</b>	<b>2.2</b>	<b>0.5</b>	<b>0.0</b>	<b>0.0</b>	<b>100.0</b>	

Drama Series includes Serials

Source: CTVA Commercial Television Industry Code of Practice: Complaints Summary June Quarter 2003

