



# Investigations

## 3CAT Geelong

### Complaint handling

The ABA has found that Geelong Broadcasters Pty Ltd, the licensee of the commercial radio service 3CAT Geelong, breached the Commercial Radio Australia Codes of Practice 2004 by failing to provide a response to a complaint.

#### The complaint

On 21 February 2005, the ABA received a written complaint alleging that 3CAT had breached the codes by broadcasting matter that vilified Christians during the *Morning Program* of 20 December 2004. The complainant also alleged that

the licensee failed to respond to his complaint.

#### Decision

The ABA determined that the licensee:

- did not incite or perpetuate intense dislike, severe ridicule or serious contempt on the grounds of religion and therefore did not breach clause 1.3(e) of the codes but
- breached clause 5.6 of the codes by failing to provide a substantive written response to the complainant.

#### Action taken

In response to the breach finding, the licensee has forwarded an apology to the complainant together with an explanation of the action taken in regard to his complaint.

Noting that this is the first occasion on which the licensee of 3CAT has been found to be in breach of the complaints handling provisions of the codes, the ABA considers this action addresses the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard. ☒

## 3SUN Shepparton

### Complaint handling

The ABA has found that Goulburn and Border Broadcasters Pty Ltd, the licensee of commercial radio service 3SUN Shepparton, breached the Commercial Radio Codes of Practice 2001 by not providing a timely and substantive written response to a written complaint.

#### The complaint

On 6 December 2004 the ABA received an unresolved written complaint regarding three editions of the program *Benchwarmers* broadcast by 3SUN on 1, 6 and 9 September 2004. The complainant alleged that the licensee of 3SUN had broadcast material that did not reflect community standards and

that was unsuitable for broadcast at a time of day when children would be likely to hear it. The complainant also alleged that the licensee failed to respond to her written complaint.

#### Decision

The ABA determined that the licensee of 3SUN:

- did not breach clause 1.5(a) of the codes (meeting contemporary standards of decency)
- did not breach clause 1.5(b) of the codes (gratuitous use of offensive language)
- did not breach clause 1.7 of the codes (broadcasting a program with an explicit sexual theme) but

- breached clause 5.6 of the codes by not providing a timely and substantive written response to a written complaint.

#### Action taken

In response to the breach finding, the licensee has advised the ABA that it has revised its complaints handling process so that either the Station Manager or the Program Director receive electronic and paper copies of all written complaints. The licensee has also written to the complainant to apologise for the lack of a timely written response and for any offence caused to her by the broadcasts in question.

The ABA considers these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard. ☒

Investigation reports into matters relating to broadcast operations are on the ABA website:

[www.aba.gov.au/newspubs/radio\\_TV/investigations.shtml](http://www.aba.gov.au/newspubs/radio_TV/investigations.shtml)