

# Broadcasting complaints investigations April–June 2006

Under the *Broadcasting Services Act 1992*, each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of its section of the industry. ACMA monitors the operation of these codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the licensee concerned.

This is a summary of ACMA investigations into unresolved broadcasting complaints, as well as complaints about possible breaches of the Broadcasting Services Act or licence conditions, completed in the three months from April 1 to June 30 2006. There is also, with the cooperation of Free TV Australia and Commercial Radio Australia (CRA), a three-month report of the number and substance of complaints made

directly to the commercial broadcasters themselves.

## BROADCASTING COMPLAINTS PROCESS

Primary responsibility for the resolution of broadcasting code-related complaints rests with the licensees themselves. The Broadcasting Services Act lays down a general procedure for complaint handling whereby a complainant is required to approach a licensee 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 may then be referred to ACMA for investigation. ACMA refers to these as unresolved complaints and must investigate such complaints unless satisfied that a complaint is frivolous or vexatious or not made in good faith.

Complaints about possible breaches of program standards (children's television, Australian content, captioning and commercial radio), about the Broadcasting Services Act itself and about licence conditions may be made directly to ACMA. Complainants are not obliged to contact a licensee first in these instances.

ACMA may make a finding that a licensee has breached a broadcasting code of practice or a licensee may admit a breach of a code. Breaches of the codes are not breaches of the Broadcasting Services Act, although ACMA may make compliance with a code a condition of licence. Generally, ACMA seeks to ensure that licensees take action to remedy breaches or to put in place procedures to ensure they do not recur.

Of the five investigations finding a breach, one related to commercial television and four to community radio. The breaches covered six broad issues as follows:

- commercial television broadcast of material which was factually inaccurate (one breach)
- breach of a licence condition by a community radio station for broadcasting advertisements (two breaches)
- breach of a licence condition by a community radio station for broadcasting sponsorship announcements in excess of five minutes per hour (one breach)
- breach of a licence condition by a community radio station for not continuing to represent the community interest that it represented at the time of licence allocation (one breach)
- breach of a licence condition by a community radio station for not encouraging members of the community that it serves to participate in operations and selection of programs (one breach) and
- complaints handling by a commercial television broadcaster (one breach).

## ACMA INVESTIGATIONS INTO UNRESOLVED BROADCASTING COMPLAINTS COMPLETED, APRIL-JUNE 2006

Number of ACMA investigations finalised in the three months	25
Investigations resulting in a breach of a code of practice	2
Investigations resulting in a breach of a licence condition	3
Investigations resulting in no breach	19
Investigations terminated when complaint withdrawn	1

## Complaint handling by commercial radio stations

The Commercial Radio Codes of Practice require each commercial radio broadcaster to give CRA an extract of the record of complaints received. CRA provides a consolidated report to ACMA. Member stations recorded 82 written complaints alleging breaches of the Commercial Radio Codes of Practice during the second quarter of 2006.

## WRITTEN COMPLAINTS TO COMMERCIAL RADIO BROADCASTERS, JANUARY TO MARCH 2006

	Talkback and discussion	News and current affairs	Music programs	Advertising	Miscellaneous	Total
Offensive Matters in	23	0	3	31	0	57
Prohibited Matter in	1	1	0	2	1	5
Other Complaints	5	0	4	8	3	20
Total	29	1	7	41	4	82

Source: CRA Commercial Radio Codes of Practice: Complaints summary April to June 2006