

Broadcasting investigations, October to December 2010

This summary is of ACMA broadcasting investigations completed in the three months from 1 October to 31 December 2010.

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.

The broadcasting complaints process

Primary responsibility for the resolution of broadcasting code-related complaints rests with the licensees. The *Broadcasting Services Act 1992* (the BSA) lays down a general procedure for complaints-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 the ACMA for investigation. The ACMA refers to these as unresolved complaints and must investigate them unless satisfied that they are frivolous or vexatious, or not made in good faith.

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

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

Most investigation reports (with the exception of community non-breach investigation reports) are published on the ACMA website at www.acma.gov.au (go to About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports).

Broadcasting investigations completed, 1 October to 31 December 2010

Type of service	Breaches			Non-breaches		
	Code of practice	Licence condition or standard	BSA	Code of practice	Licence condition or standard	BSA
Commercial television	6	16	–	19	9	–
ABC television	–	–	–	4	–	–
SBS television	–	–	–	1	–	–
Community television	–	–	–	–	–	–
Subscription broadcasting television	–	–	–	–	–	–
Subscription narrowcast television	–	–	–	–	–	–
Open narrowcast television	1	–	–	–	–	–
Commercial radio	–	3	–	4	2	–
ABC radio	–	–	–	–	–	–
SBS radio	–	–	–	–	–	–
Community radio	–	1	–	–	1	–
Temporary community radio	–	–	–	–	–	–
Open narrowcast radio	–	–	–	–	–	–
Total	7	20*	0	28	12	0

*Some investigations that resulted in breach findings against compliance with licence conditions or standards may also result in breach findings of compliance with codes of practice. For the purposes of this report, these investigations have only been counted once. For further details, please see the following table.

Broadcasting investigations, October to December 2010

Investigations were against provisions of a code of practice unless otherwise indicated.

Commercial television

Breach findings: 22

Station	Investigation number	Program or issue	Substance of complaint	Outcome
ATN Channel Seven Sydney Pty Ltd NSW	2480	'Hogs Breath Cafe' advertisement	The use of popular characters in an advertisement.	Breach—advertisement contained endorsement by popular personalities and proprietary character*.
NBN NBN Ltd NSW	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
TCN TCN Channel Nine Pty Ltd NSW	2436	<i>60 Minutes</i> 22/11/2009	Segment about piggeries contained inaccuracies and represented a viewpoint unfairly. Licensee's response failed to address key matters. No advice about referral to the ACMA.	Breach—accuracy. Breach—advise complainant that they may refer the matter to the ACMA. No breach—accuracy and representation of viewpoints. No breach—correction of errors. No breach—substantive written response.
TCN TCN Channel Nine Pty Ltd NSW	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
TEN Network TEN (Sydney) Pty Ltd NSW	2406	<i>The Poker Star</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2406	<i>The Poker Star</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
GTV General Television Corporation Pty Ltd Vic.	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
GTV General Television Corporation Pty Ltd Vic.	2416	<i>A Current Affair</i> 10/02/2010	False and misleading information about LED television screens. Issues when making a telephone complaint. Late response to written complaint.	Breach—advice to telephone complaint. No breach—accuracy. No breach—substantive written response.
GTV General Television Corporation Pty Ltd Vic.	2468	<i>Channel Nine News</i> 28/03/2010	Incorrect reportage of attendance figures at sporting event.	Breach—accuracy. No breach—correction of errors.
GTV General Television Corporation Pty Ltd Vic.	2507	<i>A Current Affair</i> 28/03/2010	Response addressed only one of three broadcasts complained of.	Breach—accuracy. No breach—correction of errors.
BTQ Channel Seven Brisbane Pty Ltd QLD	2378, 2381, 2382, 2383 and 2384	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and 2009.	No finding—premium offer*. Breach—repetition of advertisements during C period*. No breach—no advertisements broadcast during P periods*.
QTV Queensland Television Ltd Qld	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
QTV Queensland Television Ltd Qld	2450	<i>60 Minutes</i> 25/04/2010	Inaccurate claims about the history of the Australian flag. No response to complaint.	Breach—accuracy. Breach—substantive written response.
RTQ WIN Television Qld Pty Ltd Qld	2457	<i>Australia's Funniest Home Videos</i> 03/04/2010	G-classified program allegedly contained depictions of violence. Complaints-handling.	Breach—substantive written response. No breach—television classification guidelines.
TVQ Network TEN (Brisbane) Pty Ltd Qld	2406	<i>The Poker Star</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
TVQ Network TEN (Brisbane) Pty Ltd Qld	2379, 2385, 2386, 2387 and 2388	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No finding—premium offer*. Breach—repetition of advertisements during C period*. No breach—no advertisements broadcast during P periods*.

Station	Investigation number	Program or issue	Substance of complaint	Outcome
ADS Network TEN (Adelaide) Pty Ltd SA	2406	<i>The Poker Star</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
ADS Network TEN (Adelaide) Pty Ltd SA	2379, 2385, 2386, 2387 and 2388	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No finding—premium offer*. Breach—repetition of advertisements during C period*. No breach—no advertisements broadcast during P periods*.
NEW Network TEN (Perth) Pty Ltd WA	2406	<i>The Poker Star</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
NEW Network TEN (Perth) Pty Ltd WA	2379, 2385, 2386, 2387 and 2388	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No finding—premium offer*. Breach—repetition of advertisements during C period*. No breach—no advertisements broadcast during P periods*.
DTD Darwin Digital Television Pty Ltd NT	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.
NTD Territory Television Pty Ltd NT	2405	<i>2009 Wimbledon Tennis Championships</i>	Alleged advertising of an interactive gambling service.	Breach—licence condition in the <i>Interactive Gambling Act 2001</i> *.

*Investigation against a licence condition.

Non-breach findings: 28

Station	Investigation number	Program or issue	Substance of complaint	Outcome
ATN Channel Seven (Sydney) Pty Ltd NSW	2378, 2381, 2382, 2383 and 2384	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and 2009.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.
ATN Channel Seven (Sydney) Pty Ltd NSW	2431	<i>Channel Seven News</i> 20/05/2010	Invasion of privacy and homophobia in revelations of a politician's visit to a gay sex club.	No breach—privacy. No breach—dislike, contempt or ridicule against a person on grounds of sexual preference.
ATN Channel Seven (Sydney) Pty Ltd NSW	2452	<i>Sunrise</i> 07/06/2010	Privacy. Regard to the feelings of relatives and viewers when including images of dead or seriously wounded people.	No breach—appropriate regard when including images of dead or seriously wounded people. No breach—privacy.
ATN Channel Seven (Sydney) Pty Ltd NSW	2487	<i>Weekend Sunrise</i> 11/07/2010	Vilification of special needs children.	No breach—dislike, contempt or ridicule against a person or group of persons on the grounds of disability.
ATN Channel Seven (Sydney) Pty Ltd NSW	2493	Non-program matter 16/06/2010	Excessive advertisements.	No breach—average scheduling limit, non-program matter 6 pm to midnight. No breach—average scheduling limit, non-program matter all other times. No breach—hourly limits, non-program matter 6 pm to midnight. No breach—hourly limits, non-program matter all other times.
ATN Channel Seven (Sydney) Pty Ltd NSW	2494	<i>Weekend Sunrise</i> 11/07/2010	Comments and language used when referring to children with special needs were derogatory and demeaning.	No breach—dislike, contempt or ridicule against a person or group of persons on the grounds of disability.
TCN TCN Channel Nine Pty Ltd NSW	2437	<i>60 Minutes</i> 07/03/2010	Inaccuracies in segment about an aircraft crash. No response to complaint.	No breach—accuracy. No breach—substantive written response.
TCN TCN Channel Nine Pty Ltd NSW	2444	<i>NRL Footy Show</i> 06/05/2010	Remarks broadcast ridiculed the autism community.	No breach—dislike, contempt or ridicule on the grounds of disability.
TCN TCN Channel Nine Pty Ltd NSW	2495	<i>Australia's Funniest Home Videos</i> 03/04/2010	Complaints-handling.	No breach—referral of complaint to another licensee relayed broadcasts.
TCN TCN Channel Nine Pty Ltd NSW	2496	<i>The Vampire Diaries</i> 13/09/2010	Lack of captioning for a program broadcast in prime time.	No breach—captioning*.

Station	Investigation number	Program or issue	Substance of complaint	Outcome
TCN TCN Channel Nine Pty Ltd NSW	2529	<i>60 Minutes</i> 24/10/2010	Program contained nudity not suitable for broadcast in that timeslot.	No breach—exemptions from classification of material broadcast for news and current affairs. Nudity contextually justified.
TEN Network TEN (Sydney) Pty Ltd NSW	2379, 2385, 2386, 2387 and 2388	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.
TEN Network TEN (Sydney) Pty Ltd NSW	2514	<i>Offspring</i> 26/09/10	M-classified program contained inappropriate sexual content and language.	No breach—TV classification guidelines.
AMV Prime Television (Victoria) Pty Ltd Vic.	2498	<i>The Suspects: True Australian Killers</i> 21/07/2010	Misleading and alarming dramatisation of a kidnapping.	No breach—simulate news or events in such a way as to mislead or alarm viewers.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2379, 2385, 2386, 2387 and 2388	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.
ATV Network TEN (Melbourne) Pty Ltd Vic.	2482	<i>Ten News at Five</i> 14/07/2010	Incorrect reportage of domestic violence statistics.	No breach—accuracy. No breach—correction of errors. No breach—fairness and impartiality.
GLV Southern Cross Communications Pty Ltd Vic.	2479	<i>Good News Week</i> 14/06/2010	Ridicule of Catholic clerics. Derogatory jokes about women. Lewd and sexually suggestive comments about homosexuality.	No breach—dislike, contempt or ridicule on grounds of religion, gender or sexual preference.
GTV General Television Corporation Pty Ltd Vic.	2475	<i>Footy Classified</i> 05/07/2010	Remarks about footballer were demeaning to people with drug addiction who are trying to rehabilitate themselves.	No breach—dislike, contempt or ridicule on the grounds of disability.
HSV Channel Seven Melbourne Pty Ltd Vic.	2378, 2381, 2382, 2383 and 2384	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and 2009.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.
HSV Channel Seven (Melbourne) Pty Ltd Vic.	2490	<i>The Suspects: True Australian Killers</i> 21/07/2010	Misleading and alarming dramatisation of a kidnapping.	No breach—simulation of news or events.
QTQ Queensland Television Ltd Qld	2506	<i>NRL Footy Show</i> 23/09/2010	Derogatory comments in comedy segment about children with peanut allergies.	No breach—dislike, contempt or ridicule on the grounds of disability.
NSW Channel 9 South Australia Pty Ltd SA	2501	<i>Cops LAC</i> 16/09/2010	M-classified program contained inappropriate depictions of violence and suicide.	No breach—TV classification guidelines.
NSW Channel 9 South Australia Pty Ltd SA	2517	<i>Australia's Funniest Home Videos</i> 07/08/2010	PG-classified program contained inappropriate violence.	No breach—TV classification guidelines.
SAS Channel Seven Adelaide Pty Ltd SA	2378, 2381, 2382, 2383 and 2384	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and 2009.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.
SAS Channel Seven Adelaide Pty Ltd SA	2527	<i>Cover Me</i> 16/10/2010	R18+-classified film broadcast without modification.	No breach—R18+-classified content modified prior to broadcast*.
SAS Channel Seven Adelaide Pty Ltd SA	2528	<i>The Corporate Ladder</i> 20/10/2010	R18+-classified film broadcast without modification.	No breach—R18+-classified content modified prior to broadcast*.
STW WIN Television (WA) Pty Ltd WA	2443 2010/1418	<i>Channel Nine News</i> 15/04/2010	Privacy.	No breach—privacy.

Station	Investigation number	Program or issue	Substance of complaint	Outcome
TVW Channel Seven Perth Pty Ltd WA	2378, 2381, 2382, 2383 and 2384	'Streets Paddle Pop Lick-a-Prize' advertisement	Alleged breaches of the Children's Television Standards 2005 and 2009.	No finding—premium offer*. No breach—no repetition of advertisements during C periods*. No breach—no advertisements broadcast during P periods*.

*Investigation against a licence condition.

ABC television

Breach findings: 0

Non-breach findings: 4

Station	Investigation number	Program or issue	Substance of complaint	Outcome
ABQ ABC TV Qld	2481	<i>Armstrong and Miller Show</i> 24/06/2010	Sexist humour in sketch about a doctor in Africa.	No breach—discrimination and stereotyping.
ABQ ABC TV Qld	2489	<i>ABC News</i> 05/08/2010	Program contained inappropriate sexual material.	No breach—general content codes (sex and sexuality).
ABV ABC TV Vic.	2442	<i>Unfed</i> 13/06/2010	Objectification of women in presentation of dancers.	No breach—discrimination and stereotyping.
ABV ABC TV Vic.	2483	<i>Stateline (Victoria)</i> 19/03/2010	Privacy	No breach—privacy.

SBS television

Breach findings: 0

Non-breach findings: 1

Station	Investigation number	Program or issue	Substance of complaint	Outcome
SBS TV	2505	<i>Man vs Wild</i> 26/07/2010 23/08/2010 30/08/2010 06/09/2010 13/09/2010 20/09/2010	Program content was offensive and inappropriately broadcast during PG time zone.	No breach—themes.

Community television

Breach findings: 0

Non-breach findings: 0

Subscription broadcasting television

Breach findings: 0

Non-breach findings: 0

Subscription narrowcast television

Breach findings: 0

Non-breach findings: 0

Open narrowcast television

Breach findings: 1

Station	Investigation number	Program or issue	Substance of complaint	Outcome
Al-Manar Television	2413	<i>With the Viewers</i> 15/11/2009 <i>With the Event</i> 28/02/2009	Alleged breach of Open Narrowcast Television Codes of Practice 2009 and Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008.	Breach of clause 1.2 of the code— <i>With the Viewers</i> was not presented fairly. Breach of clause 1.3 of the code— <i>With the Event</i> was likely to gratuitously vilify a group on the basis of ethnicity and religion. No breach of the Anti-terrorism Standard*.

*Investigation against a licence condition.

Non-breach findings: 0

Commercial radio

Breach findings: 3

Station	Investigation number	Program or issue	Substance of complaint	Outcome
2GB Sydney Harbour Radio Pty Limited NSW	2424	<i>The Ray Hadley Morning Show</i> 26/02/2010	Alleged breach of advertising and disclosure standards.	Breach of Disclosure Standard*. No breach of Advertising Standard*.
4BC Radio 4BC Brisbane Pty Ltd Qld	2422	Advertising material	Alleged breach of Disclosure Standard.	Breach of Disclosure Standard*.
6PR Radio 6PR Perth Pty Ltd WA	2422	<i>Mornings with Simon Beaumont</i> 5/03/2010	Alleged breach of advertising and disclosure standards.	Breach of Disclosure Standard*. No breach of Advertising Standard*.

*Investigation against a licence condition or standard.

Non-breach findings: 6

Station	Investigation number	Program or issue	Substance of complaint	Outcome
2GB Sydney Harbour Radio Pty Limited NSW	2503	<i>Alan Jones Show</i> 29/10/2009	Comments about Muslims forming an enclave were racist, incited hatred and denigrated Muslim Australians.	No breach—hatred or vilification.
2SYD Nova 96.9 Pty Ltd NSW	2418	<i>Launchpad with Maz and Kerley</i> 17/11/2009	Jokes about shooting parking rangers were in poor taste and incited violence against rangers. Inadequate advice about referral to ACMA.	No breach—incite violence or brutality. No breach—contemporary standards of decency.
3AK Victorian Radio Network Pty Ltd Vic.	2477	<i>Hungry for Sport</i> 26/04/2010 and 27/04/2010	Regular program contributor failed to disclose commercial interests.	No breach of Disclosure Standard*.
3AW Radio 3AW Melbourne Pty Ltd Vic.	2422	<i>Sports Today</i> 4/03/2010	Alleged breach of advertising and disclosure standards.	No breach of Disclosure Standard*. No breach of Advertising Standard*.
3FOX Melbourne Austereo Pty Ltd Vic.	2430	<i>Hot 30 Countdown</i> 28/04/2010	Segment about posing for adult magazine was disgusting, broadcast at inappropriate timeslot, and encouraged exploitation and harassment of women.	No breach—hatred, contempt or ridicule on grounds of gender. No breach—contemporary standards of decency.
3RBA Radio Ballarat Pty Ltd Vic.	2500 2010/2055	<i>3BA Local News</i> 19/08/2010, 20/08/2010, 21/08/2010	Election advertisement.	No breach—election advertisement.

*Investigation against a licence condition or standard.

ABC radio

Breach findings: 0

Non-breach findings: 0

SBS radio**Breach findings: 0****Non-breach findings: 0****Community radio****Breach findings: 1**

Station	Investigation number	Program or issue	Substance of complaint	Outcome
2000 Multicultural Community Radio Association Ltd NSW	2453	Advertising 25/07/2010	Untagged sponsorship announcements broadcast during the Darpan Hindi program.	Breach of clause 9(1)(b) [advertising] of Schedule 2 to the BSA*.

*Investigation against a licence condition.

Non-breach findings: 1

Station	Investigation number	Program or issue	Substance of complaint	Outcome
4DDB Darling Downs Broadcasting Society Inc. Qld	2504	Advertising	Untagged sponsorship announcements broadcast on 18, 23 and 24 September, and 9 October 2010.	No breach of clause 9(1)(b) [advertising] of Schedule 2 to the BSA*.

*Investigation against a licence condition.

Temporary community radio**Breach findings: 0****Non-breach findings: 0****Open narrowcast radio****Breach findings: 0****Non-breach findings: 0****Complaints-handling by commercial radio stations**

The Commercial Radio Australia Codes of Practice 2010 requires each commercial radio broadcaster to provide Commercial Radio Australia with an extract of the record of complaints received. CRA provides a consolidated report to the ACMA.

Member stations recorded 56 written complaints alleging breaches of the codes during the second quarter of the 2010–11 financial year.

Written complaints to commercial radio broadcasters, October to December 2010

	Talkback and discussion	News and current affairs	Music programs	Advertising	Miscellaneous	Total
Offensive matters in	15	0	9	11	4	39
Prohibited matter in	2	0	0	0	0	2
Other complaints	3	3	2	2	5	15
Total	20	3	11	13	9	56

Source: CRA Commercial Radio Codes of Practice: Complaints summary October to December 2010.

Complaints-handling by commercial television stations

The Commercial Television Industry Code of Practice 2010 requires each commercial television broadcaster to report to Free TV Australia, within 15 working days of the end of each quarter, the number and substance of written complaints alleging specific breaches of the code. Free TV Australia provides a consolidated report to the ACMA.

Commercial television stations reported 366 written complaints about matters covered by the code in the second quarter of the 2010–11 financial year.

Complaints to commercial television stations by category, October to December 2010

Type of program	Bias/ inaccuracy	Classification	Closed caption	Commercial general	Commercial placement	Commercial time	Complaints- handling	Disclosure	Discrimination	Multichannel	Privacy	Program – general	Upsetting material	Total
Children	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Comedy	0	16	0	0	0	0	0	0	5	0	0	1	0	22
Commercial	0	79	0	9	4	2	2	0	1	0	0	1	0	98
Current affairs	13	20	1	2	0	0	0	0	7	0	1	0	0	44
Drama	0	10	5	0	0	4	0	0	0	3	0	0	0	22
Light entertainment	0	17	0	0	0	0	0	0	11	1	0	0	0	29
Movie	0	3	1	2	0	1	0	0	0	0	0	0	0	7
Music video	0	4	0	0	0	0	0	0	0	0	0	0	0	4
News	21	3	3	2	0	0	0	0	1	0	0	0	3	33
Program promos	0	42	0	0	0	0	1	0	5	0	0	1	0	49
Reality	0	2	0	1	0	1	0	0	0	0	0	0	0	4
Shopping guides	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Sport	0	6	1	2	0	7	0	0	4	1	0	0	0	21
Unspecified	0	0	1	28	0	1	0	0	0	1	0	0	0	31
Total	34	202	12	46	4	16	3	1	34	7	1	3	3	366

Source: Commercial Television Industry Code of Practice Report on Code complaints to stations 1 October to 31 December 2010.