



FACTS Draft Code on the Handling of Complaints to Licensees

(Note: *CU* has edited the code slightly for space reasons)

The Code is intended to ensure that licensees take reasonable steps to publicise the existence of Television Codes; retain their existing procedures for receiving and responding to oral complaints; advise complainants of their right to make a written complaint about material broadcast by a licensee which allegedly breaches a Code; respond promptly to written complaints of this kind; make every reasonable effort to resolve written complaints of this kind.

The Code applies to any matter covered by a Television Code which is the subject of a written complaint to the licensee in question which adequately identifies the material broadcast, the nature of the complaint, and the identity of the complainant. All written complaints about the content of a commercial will be referred to the Advertising Standards Council of Australia, or (in the case of advertising directed to children) to the Australian Broadcasting Authority, as the reasonable complaints bodies.

Licensees will provide **regular on-air information** about Television Codes, and how viewers may obtain them.

Licensees will continue to welcome telephoned viewer responses as valuable feedback on viewer reaction to their service, and to bring the substance of these responses to the attention of key staff. The present Code will provide an additional avenue for viewers who wish to make a formal complaint about material broadcast by a licensee which they believe to contravene the Television Codes.

Licensees will advise **viewers who complain by telephone** and who wish to pursue the complaint further, that they may make a written complaint to the licensee in question within 30 days of the broadcast in question; and the licensee is obliged to respond in writing to that complaint.

Licensees will advise viewers who complain about the **content** of a commercial to direct their complaint to the Advertising Standards Council of Australia or to the Australian Broadcasting Authority.

Where a **written complaint is received by a licensee within thirty days** of the broadcast which is the subject of the complaint, the licensee must seek to provide a substantive written response within ten working days, or failing that, undertake to provide a substantive reply within a further 20 working days.

If the material complained of was provided on broadcast relayed by another licensee, or was otherwise the responsibility of another licensee, the first licensee may refer the complaint to that licensee for written response to the complainant. That other licensee will have 30 working days to provide a substantive response to the original complainant.

Licensees will make every reasonable effort to **resolve promptly complaints covered by this Code**, except where a complaint is clearly frivolous, vexatious or an abuse of the Code process.

If a complainant is **not satisfied with a response** to his or her written complaint, and raises the matter further in writing with the licensee, then the licensee will reply substantively to the further letter, and advise the complainant that he or she may take the complaint to the Australian Broadcasting Authority; or advise the complainant that the licensee will refer the complaint to the Chairman of FACTS.

Where the licensee is satisfied that the **complaint is groundless due to an error of fact**, it may decline to refer the complaint to the Chairman of FACTS. This will not affect the complainant's right to take the complaint to the ABA.

If a complaint is **referred by a licensee to the Chairman of FACTS**, he or she will refer the complaint in writing to the Chief Executive of the licensee in question for a further response, which is to be copied to the Chairman of FACTS; advise the licensee and the complainant that the complaint will be listed in the Annual Codes Administration Report published by FACTS; and take any additional steps considered necessary to resolve the complaint.

Each licensee will **report to FACTS each quarter the number and substance of written complaints** alleging specific breaches of a Code. These reports to FACTS will not include the name or address of any complainant.

FACTS will provide a **summary of this information to the Australian Broadcasting Authority** within 15 days of its receipt.

The Chairman of FACTS will cause to be published each year a **report on Codes administration by licensees**, containing the number and substance of written complaints alleging specific breaches of a Code or Codes received by licensees; and the number and substance of complaints referred to the Chairman and FACTS, identifying the licensee or licensees involved, and the outcome of the reference.