



## The ABA investigates ...

### Complaint handling

The ABA received a complaint about a segment of the program 'A Current Affair' broadcast by GTV 9. The complainant was also dissatisfied with the manner in which his complaint had been dealt with by the Nine Network. Section 7.9 of the Commercial Television Industry Code of Practice, which deals with procedures for handling written complaints, states that:

7.9 When a licensee cannot provide a substantive written response within ten working days, the licensee will undertake in writing to provide a substantive reply within a further 20 working days.

#### Decision and action

The ABA was of the view that the response by the licensee to the complainant was inadequate. Section

7.9 of the code requires the licensee to provide a substantive written response to written complaints. The only written response to the complaint was a brief letter from the production manager of 'A Current Affair' which did not address the issues raised by the complainant. The letter said,

Thank you for forwarding to our program a copy of the complaints you tabled with the Australian Broadcasting Authority. Your comments ... have been duly noted by Mr Munro and the program's producer. Thank you for bringing your opinion to our attention.

As the letter did not in a real way address any of the matters raised by the complainant the ABA did not believe that this response could be described as substantive. Therefore the ABA found that the licensee had breached section 7.9 of the code in that it did not substantively respond to the complainant's written complaint.

The Nine network circulated the ABA's report in relation to the breach to relevant persons within the Nine network, in order to emphasise the importance of strict compliance with the code.

### Take 40 Australia

The ABA received a complaint about the video clip, 'I'm an Asshole' broadcast by the Ten network on its G classified 'Take 40 TV' program. The ABA formed the view that broadcast breached clause 2.10 of the Commercial Television Industry Code of Practice.

That clause provides that material classified G must not contain any matter likely to be unsuitable for children to watch without the supervision of a parent and that:

depictions of physical and psychological violence and the use of threatening language, weapons or special effects must not be likely to cause alarm or distress to children, must be strictly limited to the context or story line of the program, and must not show violent behaviour to be acceptable or desirable. (cl 2.10.1);

mild expletives or language which may be considered socially offensive or discriminatory may only be used in exceptional circumstances when absolutely justified by the story line or program context.(cl 2.10.3); and

dangerous playthings may only be depicted where absolutely justified by the story line or context, and must be depicted in such a way as to minimise the likelihood of imitation. Care must be taken in the treatment of themes dealing with social or domestic conflict. (cl 2.10.6).

Clause 2.12 of the code provides that material classified PG may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian.

The program was classified G and shown at 5.30 p.m. on a Sunday afternoon, at a time when it was likely to be

#### The codes

Commercial television, commercial and community radio, the ABC and SBS all operate under codes of practice, while other broadcasting sectors are well advanced in the development of their respective codes. The ABA supervises the operation of the codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the broadcaster concerned.

Primary responsibility for compliance with the codes and for resolving complaints rests with the broadcasters. If a station fails to answer a complaint within 60 days, or if the response is unsatisfactory, then the complaint can be referred to the ABA for investigation.

#### Investigations

The ABA is required to investigate unresolved complaints and to inform complainants of the results of such investigations.

The ABA can also investigate complaints about the national broadcasters, the ABC and SBS.

The ABA also investigates complaints about matters relating to the standards for children's television or Australian content on television, the standards for subscription broadcasting, subscription narrowcasting and open narrowcasting, and complaints in relation to any type of broadcasting service where the complaint relates to a possible breach of the Act or conditions of licence.

The ABA has a range of sanctions available to it in the event of a breach of a code of practice, program standard or licence condition. Any action taken depends on the seriousness of the breach.



accessible to the complete age range of child viewers.

The video clip contained complex themes criticising the attitudes, outlook, behaviour and disposition of the average white American suburban male. It juxtaposes the protagonist/singer's pride in himself as an 'asshole' with his attendant chorus's critique of him, his conduct and attitudes as those of an 'asshole'. The use of words in the song gained far greater strength on television than they would have on radio, as the use of images emphasised the themes of the song. The words and images used contained matter likely to be unsuitable, particularly for younger children to watch without the supervision of a parent who would be able to make the decision to turn the program off, or explain to such children the message the clip is projecting.

A younger child would be highly likely to see the words and images on the clip as endorsing particular language and conduct when in fact the song is actually criticising such language or conduct.

The particular elements of the program which breach clause 2.10 of the code are:-

(a) the use of printed words to reinforce spoken words - when the protagonist speaks the words 'cockles' the screen portrays the printed word 'COCK' LES, with the clear intent of projecting offensive language on the screen. On occasion when the protagonist uses the word, 'asshole', the screen portrays the printed word, 'ASSHOLE' giving a far stronger emphasis than is gained by the spoken use of the word.

(b) the portrayal of scenes showing the bloodied hands of a mannequin being barbecued, are likely to cause alarm or distress to children and may also show violent behaviour to be acceptable or desirable and breach cl 2.10.1 of the code.

## Action taken

Before taking action, the ARA requested



the Ten network's response. The ABA met with representatives of the Ten network who advised the ABA that it had instituted new procedures designed to ensure that that the provisions of the codes are fully adhered to. Among these are improved liaison procedures where at pre-production stage, promotions, news and other production staff, as well as drama script writers are encouraged to raise code matters with the Director, Broadcasting Policy and the Network's Program Classification Officer.

In addition, further training of staff will be conducted in relation to codes matters, in March.

Ten also undertook to provide a report to the ABA at the end of May detailing steps taken to further improve its systems in this regard.

In view of these steps taken and the seriousness with which Ten has viewed the breach the ABA does not propose to take any further action in relation to the breach.

## Seaquest DSV promo

The ABA received a complaint regarding a program promotion for the series 'SeaQuest DSV', broadcast during the program 'The Wonderful World of Disney'. The 'Wonderful World of Disney' was shown between 5.30 p.m. and 6.30 p.m. on Sunday evenings, placing its broadcast within the General (G) classification time zone. The complainant alleged that the program promotion contained violent scenes which were inappropriate for broadcast at that time of day.

Section 3.6 of the code deals with program promotions during G classification time zones and states, in part:

3.6 In G viewing periods and in all G programs starting at 3.30 p.m. on a weekday, or broadcast between 7.30p.m. and 8.30 p.m. on any day, no program promotion may include material (whether visual or auditory) which involves:

3.6.1 the use of guns, other weapons or dangerous objects in a manner clearly intended to inflict harm or to seriously menace;

The promotion for 'SeaQuest DSV' lasted for approximately 30 seconds and concerned a woman who was being hunted because of a murder she had witnessed twenty years previously. There were several short scenes within this promotion including:

a) a shot of a woman through what appears to be the telescopic sights of a rifle immediately followed by a shot of a man firing a rifle;

b) two sequential shots of men firing weapons; and

c) a person pointing a gun at two men.

In all of the above mentioned scenes weapons were depicted in a manner which was clearly and definitely intended to inflict harm and/or seriously menace. This was made obvious not only by the visual element but by the voice-over, which included lines such as, 'The only witness to a 20 year old murder, and no one is playing by the rules'. The promotion frequently featured weapons either being fired at people or pointed at people in a menacing fashion.

## Decision and action

The ABA considered that, in this instance, the content of the program promotion exceeded the limits of a promotion to be broadcast during the G classification period.

The ABA requested Ten network's response. The ABA met with representatives of the Ten network who advised the ABA, as indicated above, that it had instituted new procedures designed to ensure that that the provisions of the codes are fully adhered to.

As noted earlier, Ten also undertook to provide a report to the ABA at the end of May detailing steps taken to further improve its systems in this regard.

In view of these steps taken and the seriousness with which Ten has viewed the breach the ABA does not propose to take any further action in relation to the breach. ☐