

The following is a summary of ABA investigations into programming matters in the quarter to 31 March 1999

Investigating programming issues

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

The complaints process

Primary responsibility for the resolution of complaints rests with the broadcasters. However, if a complainant does

not receive a response within 60 days, or considers the response inadequate, the matter can be referred to the ABA for investigation.

Complaints in relation to possible breaches of the formal program standards (children's television standards and Australian content), of the Act itself and of licence conditions may be made directly to the ABA.

The ABA may make a finding that a broadcaster has breached a code of practice or a broadcaster may admit a breach of a code. Breaches of the codes

are not breaches of the Act, although the ABA may make compliance with a code a condition of licence. Generally, the ABA seeks to ensure that broadcasters take action to remedy breaches or put in place procedures to ensure they do not recur.

Investigations summary:

- Number of ABA investigations finalised in the quarter — 22
- breach finding — 8
- no breach finding — 14.

Investigations completed by the ABA January—March 1999: breach finding

Callsign	program/advertisement/issue	substance of complaint	relevant code/licence condition
Commercial television			
TCN 9 Sydney	Just Kidding	Segment involving nudity right to refer matter to ABA.	Nudity in a G period.
WIN 9 NSW	Australia's Funniest Home Video Show	Segment showing an assault on a soccer referee.	Breached PG classification.
NWS 9 South Australia	Today	The segment on cooking a placenta was tasteless.	Breached code 2.6 — care not exercised in selection and broadcast of material.
Commercial radio			
4BC Brisbane	Breakfast Program	Recording conversations with a third party that were then broadcast.	Words of an identifiable person were broadcast without that person being informed.
5ADD Adelaide	News	News report detailed a case of sexual violence.	Complaints handling.
ABC TV			
ABC TV	News	The 'Sexpo' news item was not handled with integrity.	Inappropriate handling of sex and sexuality. Complaints handling.
ABC TV	News	Footage of PM announcing election was edited in a way which showed him in bad light.	Reasonable effort not made to ensure that factual content of program is accurate.
ABC radio			
ABC National	Peter Thompson	Replay of ARIA awards — presenter's use of 'f' word was inappropriate.	Breach of code relating to language and lack of warning.

All breaches were of a code of practice unless indicated: * breach of the Broadcasting Services Act 1992

Summary of outcomes

From 1 January to 31 March 1999, eight investigations completed by the ABA found breaches of either a code of practice or the Act.

ABC TV, news: admitted it breached the code by editing footage of the Prime Minister in such a way as to portray him in a bad light. The ABC broadcast an apology.

Radio National, breakfast program: the ABC admitted broadcasting bad language was inappropriate for a breakfast program. The person responsible was counselled.

ABC TV, news: 'Sexpo' segment: The ABC agreed to apologise directly to the complainants for the offence caused.

NWS9 South Australia, breakfast program: the station admitted that broadcasting footage of two chefs cooking a placenta was tasteless and not suitable for breakfast television. Although the station had no record of the complainant's letter of complaint, it offered to write to the complainant with an apology.

WIN9, Australia's Funniest Home Video Show: the station has reviewed procedures to

ensure breaches of the codes relating to violence and complaints handling did not occur again. The ABA noted that although WIN9 was unable to exercise editorial control over programs such as 'Australia's Funniest Home Video Show', the ultimate responsibility lay with the licensee. WIN9 undertook to pass on the findings of the report to TCN9 for its consideration in future production and classification of the program.

In all of the above cases the ABA was satisfied with the remedial action taken by the licensees and took no further action.

Investigations completed by the ABA January—March 1998: No breach finding

<i>Callsign</i>	<i>program/advertisement/issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
Commercial television			
TCN-9 Sydney	Strassman	Offended by sexual questions by a comedian.	Sex and language in an 'M' classified program.
WIN-9 NSW	A Current Affair	Misrepresented an item on apprehended violence orders.	Presentation of factual material accurately in news and current affairs.
QTQ-9 Brisbane	A Current Affair	Complaint that a segment on the unemployed breached accuracy and fairness.	Presentation of factual material accurately in news and current affairs.
NWS-9	The Drew Carey Show	References to castration and circumcision.	Sex and nudity in a 'PG' classified program. Proscribed material in Clause 1.6.
Commercial radio			
2UE Sydney	John Laws Show	John Laws played an offensive song. Also alleged that 2UE did not respond to his complaint.	Vilification on grounds of race or nationality. Complaints handling.
4TTO Townsville	The Stan Zemanek Show	Use of offensive language.	Offensive language.
5AA Adelaide	Bob Francis program	Complaints handling.	Complaints handling.
5SSA Adelaide	Miscellaneous	Talk back caller revealed details of complainant's shopping habits.	Invasion of an individual's privacy.
		Offended by language in segment titled 'Megaphone Sex'.	Language and complaints handling.
Temporary community radio			
HOTT FM Gold Coast	Management	Profit-making issues.	Investigation closed as complainant could not be located.*
6BET	Management	Failure to commence service.	Commencement of service within timeframe.*
ABC TV			
ABC TV	Order in the House	Comments made by Speaker of the House were inaccurate and misleading.	Accuracy of factual comments in news, current affairs and information programs.
ABC TV	News	Alleged that news bulletin on Iraq was propaganda.	Accuracy of factual comments in news, current affairs and information programs.
ABC TV	Recovery	Body piercing inappropriate for Saturday morning—lack of response from ABC.	Complaints handling. Complainant did not include return address.
SBS radio			
SBS Radio	Romanian Program	SBS doesn't broadcast any information about government services in the Romanian language.	Provision of community announcements in a particular language.

All potential breaches were of a code of practice unless otherwise indicated: * potential breach of licence condition

Complaint handling by commercial television

The Commercial Television Industry Code of Practice requires each commercial television broadcaster to report to the Federation of Australian Commercial Television Stations (FACTS) the number and substance of written complaints alleging specific breaches of the code. FACTS provides a consolidated report to the ABA.

Summary January — March 1999

Commercial television stations reported 236 written complaints relating to matters covered by the Commercial Television Industry Code of Practice in the first quarter of 1999. This was 43 per cent more than reported in the previous quarter.

The number of complaints about sex, violence and coarse language were up noticeably, while complaints about bias were down significantly.

In 38 instances a station agreed that a complaint identified a breach of a code provision. These instances included:

- complaints about the incorrect scheduling of a movie;
- offensive language;
- distressing material in a news report;
- inappropriate placement of a program promotion;
- unfair references to a sportsman in a news broadcast; and
- subliminal advertising in a program.

In the previous quarter, there were 15 complaints upheld by the stations concerned.

Complaint handling by commercial radio

The Commercial Radio Codes of Practice & Guidelines requires each commercial radio broadcaster to provide the Federation of Australian Radio Broadcasters (FARB) with an extract of the record of complaints received. FARB provides a consolidated report to the ABA.

Summary January — March 1999

Member stations recorded 253 complaints (both written and oral) alleging breaches of the Commercial Radio Codes of Practice during the first quarter of 1999. 'Offensive Matters' in Talk and Discussion, Music Programs and Advertising accounted for about half (134) of the total complaints received under the codes of practice.

Summary of complaint handling by commercial radio

	Talkback & Discussion	News & Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive matters in	74	0	20	28	12	134
Prohibited matter in			1			1
Other complaints	32	2	30	11	43	118
Total	106	2	51	39	55	253

Source: FARB Commercial Radio Codes of Practice: Complaints Summary March Quarter 1999

2001 A Digital Odyssey

8 – 9 November, 1999, Sydney

The Australian Broadcasting Authority's third Planning Seminar offers policy-makers, industry representatives and service providers an ideal forum to discuss policy and technical issues on various aspects of broadcasting planning and allocation. This year's seminar will have a distinctive digital flavour, focussing on future developments and implementation issues. A highlight of the seminar will be the opportunity for professionals from government, the broadcasting industry and academic sectors to informally discuss issues surrounding broadcasting planning, and to express opinions and innovative ideas.

Contact the conference organisers on ph (02) 6292 9000 or fax (02) 6292 9002

