



This is the fourth quarterly summary of investigations by the ABA into unresolved complaints and of complaints made to the Federation of Australian Commercial Television Stations and the Federation of Australian Radio Broadcasters.

Investigating programming issues

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. The ABA supervises the operation of the codes and acts as an independent adjudicator when complaints are not resolved between a complainant and the broadcaster.

The complaints process

Under codes of practice, primary responsibility for the resolution of complaints rests with the broadcasters themselves. The Act lays down a general procedure for complaint handling whereby complainants are required to approach the broadcaster first, who in turn is obliged to respond. However, if a complainant does not receive a response within 60 days, or considers the response to be inadequate, the matter can be referred to the ABA for investigation. The ABA must investigate such unresolved complaints.

Complaints in relation to possible breaches of the formal program standards (children's television standards and the Australian content standard) and condition of licence may be made directly to the ABA. That is, complainants are not obliged to contact the broadcaster first.

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 to put in place procedures to ensure they do not recur.

Investigations by the ABA into unresolved complaints completed in the quarter ended 30 June 1997

Breaches found from 1 April to 30 June 1997

Number of ABA investigations resulting in breaches:	7
- ABA investigation, breach decision	6
- breach admitted by licensee	1

Investigations completed by the ABA April - June 1997:

Callsign	program/ advertisement/issue	substance of complaint	relevant code/licence condition
Breach finding			
SAS7 Adelaide	News	Inaccurate and unfair presentation of news material.	Accuracy, fairness and impartiality in news presentation.
SAS7 Adelaide	Agro's Cartoon Connection	Host selling and advertising.	Distinguishable commercials, suitability of material.
QTQ9 Brisbane	A Current Affair	Unnecessary and irrelevant depiction of cruelty to animals; lack of substantive response.	Care exercised in broadcasting distressing material; complaint handling.
4EB Brisbane	Greek language program	Failure to respond to complaint.	Complaint handling.
6EBA Perth	Management	denial of access to air-time	Representing the community, access. *
FM88 Springwood	Narrowcasting	Narrowcaster providing a service of broad rather than narrow appeal.	Satisfying one of the criteria for a narrowcaster. *

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

Investigations completed by the ABA April - June 1997: Breach admitted by the licensee

<i>Callsign</i>	<i>program/ advertisement/issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
ABC Radio	Women Out Loud	Unsuitable language and subject matter.	Use of offensive language.

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

In the period 1 April to 30 June 1997, five investigations completed by the ABA resulted in finding breaches of industry codes of practice and two investigations resulted in a finding of a breach of a condition of broadcasting licence. One of the seven breaches was admitted by the station concerned prior to the ABA finalising its investigation.

The two instances of breaches in complaints handling involved commercial television station QTQ9 Brisbane and Brisbane ethnic community radio station 4EB.

In relation to complaints handling breaches, the management of the stations concerned have reviewed and improved complaints handling procedures since the incidents complained about.

In relation to SAS-7, the ABA did not publish its investigation report into the broadcast of a news item nor did it take any further action regarding the outcome of its investigation into this news item due to pending legal proceedings. Regarding the 'Agro's Cartoon Connection' breach finding, the Seven Network formulated a voluntary code of practice

which prohibits host selling.

In relation to QTQ-9, the Executive Producer of 'A Current Affair' was made aware of the issues raised by the ABA's findings and has instructed relevant staff to pay careful attention to the visual images incorporated into the program.

In relation to Perth ethnic community radio station 6EBA, as a result of the ABA's investigation the licensee lifted a moratorium which had been imposed on granting air-time to new programs from communities representing any of the Balkan states.

In relation to low-power open narrowcasting radio station FM88 Springwood, as a result of the ABA's finding FM88 ceased broadcasting whilst the licensee of FM88, in consultation with the ABA, considered various options in relation to altering the nature of the service being provided so as to satisfy one or more of the criteria for a narrowcast service. This was the situation at the time of this report's compilation.

In relation to the admitted breach by ABC Radio, the staff editorially responsible for the broadcast of the program

were counselled on the appropriateness of the timeslot of the program in relation to the program's content and also on the process of upward referral where uncertainty exists regarding program content.

In all of the above cases, the ABA was satisfied with the action taken by the various licensees as a result of the ABA's findings and decided not to take any further action.

Complaint handling by commercial television stations

The Commercial Television Industry Code of Practice requires each broadcaster to report to FACTS, within 15 working days of the end of each quarter, the number and substance of written complaints. FACTS provides a consolidated report to the ABA.

April - June 1997

Commercial television stations reported 220 written complaints relating to matters covered by the Code of Practice

Investigations completed by the ABA April - June 1997: No breach finding

<i>Callsign</i>	<i>program/ advertisement/issue</i>	<i>substance of complaint</i>	<i>relevant code/licence condition</i>
Commercial television			
ATN7 Sydney	Sport - Rugby Union	Broadcast included tobacco advertisement.	Tobacco advertising. *
WIN Wollongong	News and Weather	Unfair and inaccurate news story.	Accuracy and fairness.
HSV7 Melbourne	Passion Profit Power	Viewer placed in a hypnotic state whilst watching TV.	Inducing a hypnotic state.
BTQ7 Brisbane	Today Tonight	Story showed how to make a bomb.	Depiction of dangerous playthings.
Commercial radio			
3AW Melbourne	Ross Warnecke	Comments not distinguished from facts.	Distinguishing factual material from commentary and analysis.
5MMM Adelaide	Big Breakfast	Offensive language.	Offensive language
2GB Sydney	Ron Casey	Racially offensive remarks	Gratuitous racial vilification.
4BC Brisbane	Stan Zemanek	Bias; lack of response to complaint.	Presentation of viewpoints; complaints handling.
Open narrowcasting radio			
Sky FM Sydney	Nature of service	Providing a service of broad rather than narrow appeal.	Criteria for open narrowcasting service. *
Western Visitor Radio Dubbo	Nature of service	Providing a service of broad rather than narrow appeal.	Criteria for open narrowcasting service. *

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



in this quarter. This was a decrease in the number of complaints reported in the previous quarter. However, a petition signed by 229 viewers has been treated as a single complaint.

The largest number of complaints (20) in the June quarter was about the program 'Sex/Life' at 9.30 p.m. on Network Ten and promotions for that program. Coarse language in the program 'Billy Connolly's World Tour of Australia' on Seven Network stations attracted nine complaints. 'Sixty Minutes' on Nine Network stations attracted a total of seven complaints about one item.

In six instances, a station agreed that a complaint identified a breach of a Code provision. These instances involved:

- content of a segment in the comedy program 'Full Frontal' unsuitable for

'PG' classification because of sexual references and partial nudity;

- inadequate closed captioning in the movie *The Mask* which was advertised as carrying closed captioning;

- inappropriate use of footage of intoxicated Aboriginal people in a news item on racist activity in North Queensland (two complaints);

- inappropriate placement of a promotion for the movie *The Color of Night* during Saturday afternoon programming; and

- incorrect placement of a promotion for the movie *The Getaway* in a weekday afternoon program.

Stations reported taking appropriate remedial action in each case.

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

Complaint handling by commercial radio

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

The figures and summaries below were provided to the ABA by FARB. They cover the second quarter of 1997.

April - June 1997

Member stations recorded 250 complaints during the second quarter of 1997. As with previous quarters, complaints in relation to 'Talkback and Discussion' continue to dominate the number of complaints.

Complaints made to commercial television stations about programs: April - June 1997

	Sex/ Nudity	Language	Violence	Classification	Bias/ Inaccuracy	Privacy	Trauma	Discrimination	Comm. Content	Comm. Placement	Closed Caption	Complaint Handling	Total	% All Complaints
Children's	2		4	1									7	3.2
Comedy	12	8	9	1				3	2				35	15.9
Current Affairs	4	1	1	6	25			5					42	19.1
Documentary	1	9	2										12	5.5
Drama Series	6		3	3				1	4				17	7.7
Game								1					1	0.5
Information	13		1	4				3		1			22	10.0
Movies			3						3	1	5		12	5.5
Music Video													0	0.0
News	2		1	3	7		1	3					17	7.7
Sport	3	4											7	3.2
Variety		4			4					2			10	4.5
Unspecified									2	7	3		12	5.5
Promos	14	4	1	7									26	11.8
Total	57	30	25	25	36	0.0	1	16	9	13	8		220	100.0
% All Complaints	25.9	13.6	11.4	11.4	16.4	0.0	0.5	7.3	4.1	5.9	3.6	0.0		

Drama Series includes Serials

Source: FACTS Commercial Television Industry Code of Practice: Complaints Summary June Quarter 1997

Complaint handling by commercial radio

	Talkback and Discussion	News and Current Affairs	Music Programs	Advertising	Miscellaneous	Total
Offensive Matters	100	3	16	13	17	149
Prohibited Matter	5	1			3	9
Other Complaints	13	8	11	10	50	92
Total	118	12	27	23	70	250

Source: FARB Commercial Radio Codes of Practice: Complaints Summary June Quarter 1997