



FreeTV
Australia

**Commercial Television Industry
Code of Practice
Annual Code Complaints Report
2004/2005**

Background

The Commercial Television Industry Code of Practice (the “Code”) was introduced in September 1993. The Code has been reviewed twice and revised Codes introduced in April 1999 and in July 2004.

Each year Free TV Australia publishes a report on Code administration by licensees which is made available to the public. This report covers the period from 1 July 2004 through to 30 June 2005. This is the first Annual Code Complaints Report since the introduction of the revised Commercial Television Industry Code of Practice in July 2004.

The Code is registered with the Australian Communications and Media Authority (“ACMA”) and it sets community standard benchmarks for the content of programs, program promotions and commercials suitable for broadcast at different times of the day. It also sets out requirements concerning news and current affairs coverage (including privacy and fairness and accuracy issues), the levels of advertising acceptable to viewers and the handling of viewer complaints by stations. All commercial television stations support the Code and accept its requirements.

Viewer complaints play an important role in the self-regulatory process. Stations regard telephoned and written comments and complaints about their service as valuable feedback on their programming, and as an essential element of their responsiveness to the community. All stations publicise their telephone numbers, and most stations operate switchboards through the daytime and peak television viewing periods.

The Code gives particular importance to written complaints about Code matters. A written Code complaint triggers a station’s complaint investigation process, which must meet the strict timetable requirements set out in the Code. If a viewer is not satisfied with the station’s response, he or she is free to refer the matter to ACMA for further investigation.

Code complaints received 2004/2005

Stations reported receiving a total of 997 written Code complaints during the period 1 July 2004 to 30 June 2005.¹ This amounts to less than two complaints per month, per station. This equals the average achieved in the previous report.² Many of these complaints related to the same program items. For example, 126 complaints were made concerning the programs in the *Big Brother 2005* series and 64 complaints concerned a single incidence of inappropriate placement of a program promotion for *Desperate Housewives* as a result of human error.

Complaints ranged over most categories of programs, however, unspecified (this category includes reality programs), program promotions and current affairs and news programs attracted the highest complaint numbers.

The largest number of complaints (26.9%) related to the classification of program items. The next most common category of complaints related to sex and nudity (24.4%) in programs and program promotions. The third most common category of complaints related to bias and inaccuracy (12.5%) in news and current affairs programs. (For further details refer to Appendices 1 to 3).

Programs receiving the highest numbers of complaints were:

- **Big Brother Uncut** (Network Ten) – There were 85 complaints about Big Brother Uncut, mostly concerning sexual references and nudity considered inappropriate for the time zone. ACMA subsequently initiated an investigation into three episodes of Big Brother Uncut. That investigation found two breaches of the Code in relation to specific scenes in two of the three programs. One of the breaches related to breach of the MA15+ sex and nudity classification criteria and the other of the MA15+ language criteria.
- **Today Tonight** (Seven Network) – there were 46 complaints mostly concerning perceived bias and/or inaccuracy in reporting and content considered to be inappropriate for the time zone.
- **Big Brother PG rated shows** (Ten Network) – there were 37 complaints, mostly concerning sexual references and language considered inappropriate for the time zone.

¹ This excludes complaints about the content of television commercials, which stations referred to the Advertising Standards Board. It includes complaints about the classification and/or scheduling of commercials, which are covered by the Code.

² There was a total of 678 complaints for the 9 month period 1 October 2003 to 30 June 2005.

ACMA conducted two investigations into PG rated Big Brother programs and found that they did not breach the Code of Practice.

- **60 Minutes** (Nine Network) – there were 34 complaints mostly concerning perceived bias and inaccuracy in reporting, lack of warnings for potentially distressing or offensive images and material considered inappropriate for the time zone.
- **The OC program promotions** (Network Ten) – there were 30 complaints mostly concerning sexual references, sexual themes, and coarse language considered inappropriate for the time zone.
- **Neighbours** (Network Ten) – there were 17 complaints mostly concerning language, perceived discrimination and sexual references considered unsuitable for the time zone.³
- **Ten News** (Network Ten) – there were 27 complaints mostly concerning material considered distressing to viewers and perceived inaccuracy in reporting.
- **Seven News** (Seven Network) – there were 21 complaints. They concerned inaccuracy in reporting, perceived breach of privacy and graphic footage considered inappropriate, and invasion of privacy.
- **Comedy Inc** (Nine Network) – there were 10 complaints mostly concerning material considered unsuitable for the time zone and content considered offensive to religion.

³ These figures include complaints about programs broadcast on affiliate stations.

Complaints upheld by stations

Stations upheld complaints in relation to 21 broadcast items during the period 1 July 2004 to 30 June 2005 (compared with upheld complaints about 5 program items during the period 1 October 2003 to 30 June 2004). They were:

- There were 64 upheld complaints in relation the placement of a program promotion for *Desperate Housewives* shown during the Australian Open coverage (Seven Network). Due to an error, Clause 3.12 of the Code (which provides that sporting coverage between 8.30pm and 10.30pm is deemed PG) was overlooked. Seven apologised to complainants for the error and any distress caused by the promotion. Training was conducted with programming and promotions staff following this breach which emphasised Clause 3.12 of the Code.
- There were two upheld complaints in relation the placement of a program promotion for *The Grudge* (WIN Television). The network agreed that the program promotion was inappropriately scheduled and has taken steps to guard against a similar future occurrence.
- There were two upheld complaints in relation the placement of a program promotion for *Lost* during a G rated program (Seven Network). The network agreed that the program promotion was inappropriately placed as a result of a technical error. The error was immediately rectified.
- There was one upheld complaint concerning the handling of a complaint in relation to an interview with the complainant on *Today Tonight* (Seven Network). The network agreed that it had not responded to the complainant within 30 working days. The network agreed to conduct compliance training program for the news and current affairs area in relation to complaints handling.
- There was one upheld complaint in relation to a news item shown on *Seven Nightly News* (Seven Network) which contained footage of a train crash in Melbourne. The network agreed that greater sensitivity could have been exercised in the use of this footage.
- There was one upheld complaint in relation to placement of a program promotion for *There's Something about Miriam* (Network Ten). The network agreed that the program promotion was inappropriately placed as a result of a technical error. The network has

investigated the error and has taken measures to guard against a similar future occurrence.

- There was one upheld complaint in relation to placement of an advertisement shown during the *Australian Rally Championship* (Southern Cross Ten, Canberra). The station agreed that the advertisement had been classified incorrectly. In response to the complaint the station changed the classification of the commercial to ensure that it would only be broadcast at appropriate times. The station agreed to review its commercial classification procedures to ensure this does not happen again.
- There was one upheld complaint in relation to placement of an advertisement shown during *Ten News* (Southern Cross Ten, Coffs Harbour). The network agreed that the advertisement had been classified incorrectly. In response to the complaint the station changed the classification of the commercial to ensure that it would only be broadcast at appropriate times. The station agreed to review its commercial classification procedures to guard against a similar future occurrence.
- There was one upheld complaint in relation to exceeding the hourly limit for non-program matter during the *US PGA Golf* (Channel 9 Perth). The station acknowledged that during certain periods of the coverage the hourly limit for non-program matter was exceeded. During other periods the amount of non-program matter was substantially lower than the hourly limit. The cause of the variation was the way coverage was provided by the host broadcaster in the US (which had determined how often and when advertising breaks occurred). Unfortunately this variation, which resulted in a breach of the hourly limit, was outside the station's control. However the station will be alert to the issue in the future.
- There was one upheld complaint in relation to inaccuracy in a news item on Seven News (Seven Network). The report concerned Chronic Fatigue Syndrome. The complaint concerned confusion in the news report regarding chronic fatigue and Chronic Fatigue Syndrome (CFS). The network agreed that the report may have been confusing and offered to consider doing a follow up report on the differences between chronic fatigue and CFS.
- There was one upheld complaint concerning three instances of inappropriately placed advertisements on Network Ten. The network agreed that the advertisements were inappropriately placed as a result of human error. The breaches were brought to the attention of staff to avoid the same error re-occurring. Network Ten also initiated an in-house training program for staff placing promotions and commercials.

- There was one upheld complaint in relation to inaccurate presentation of a news item shown on *First At Five News* (Network Ten). The network agreed that footage of an air crash was inadvertently edited together with footage of an earlier accident. The network has put in place procedures to avoid this kind of error occurring again.
- There was one upheld complaint in relation to the placement of a *Jila Mint* advertisement shown in an inappropriate time zone (Southern Cross). The network agreed the “M” classified advertisement was inappropriately placed as a result of human error. The classification information for the advertisement has been corrected. The network will continue to review and upgrade commercial acceptance procedures.
- There was one upheld complaint in relation to the placement of a telephone sex line advertisement during *Aerobics Oz Style* (Southern Cross TEN Capital). The station agreed that the classification information for the advertisement was incorrectly entered into its commercial library system. The Schedule Manager noticed this on the day of broadcast and took immediate steps to correct the problem. The station has reviewed its commercial acceptance procedures to guard against recurrence of this error.
- There was one upheld complaint in relation to the classification an episode of *The Simpsons* (WIN Television). The network agreed that a consumer warning should have accompanied this episode as its content was stronger than normally expected. The network will now provide consumer advice at the start of all episodes of *The Simpsons* where the content is stronger than normal expectations.
- There was one upheld complaint in relation to inaccuracy in the broadcast of a news item (WIN Television). The station agreed that there were errors in the report and made a correction (broadcast on 22 March) and apologised to the complainant for the error.
- There was one upheld complaint in relation to the placement of a program promotion for *House* (Network Ten). The network agreed that due to a scheduling error, a PG version of the program promotion was incorrectly shown in a G time zone instead of the G version. The network has identified the cause of the error and taken steps to guard against a similar recurrence.
- There was one upheld complaint in relation to inaccuracy in a news item on *Ten News* (Southern Cross Ten Southern NSW). The complaint concerned a story about Pit Bull Terriers. The complainant noted that the final image shown during the story was of an English Staffordshire Bull Terrier. The network noted the error and will ensure that the

news library is aware of the difference between the breeds to ensure the error does not occur again.

- There was one upheld complaint concerning an inappropriately placed advertisement shown during *The Simpsons* (Southern Cross Ten Northern NSW). The network agreed that the advertisement was inappropriately placed as a result of human error. The network has reviewed all telephone sex-line advertisements currently booked with the station to ensure the “S” classification has been applied correctly for placement purposes. The network has also brought this to the attending of scheduling staff to ensure this error does not occur again.
- There was one upheld complaint in relation to inaccurate presentation of a news item shown on *Today Tonight* (Seven Network). The network agreed that a statement in the program noting the legal restrictions on the location of brothels in NSW was inaccurate in that the restrictions apply to many but not all parts of NSW.
- There was one upheld complaint in relation to the placement of an advertisement for *The Amityville Horror* movie shown in an inappropriate time zone (Southern Cross Ten Queensland). The network agreed the advertisement was inappropriately placed as a result of a computer scheduling error. The network has made the necessary changes to the computer system to ensure that similar errors do not occur in the future.

Complaints referred to ACMA

In the year to 30 June 2005, ACMA considered 86 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA. This equates to less than 9% of the 997 Code complaints received by stations during the period 1 July 2004 to 30 June 2005. The small number of complaints referred to ACMA indicates that in 91% of cases viewers are satisfied with the station’s investigation and response.

Less than half of the complaints referred to ACMA (30) were upheld.

Further analysis of complaints received by stations during the period 1 July 2004 to 30 June 2005 is contained in the attached appendices.

Free TV Australia
23 November 2005

Appendix 1 Part (i)

Code Complaints by Category

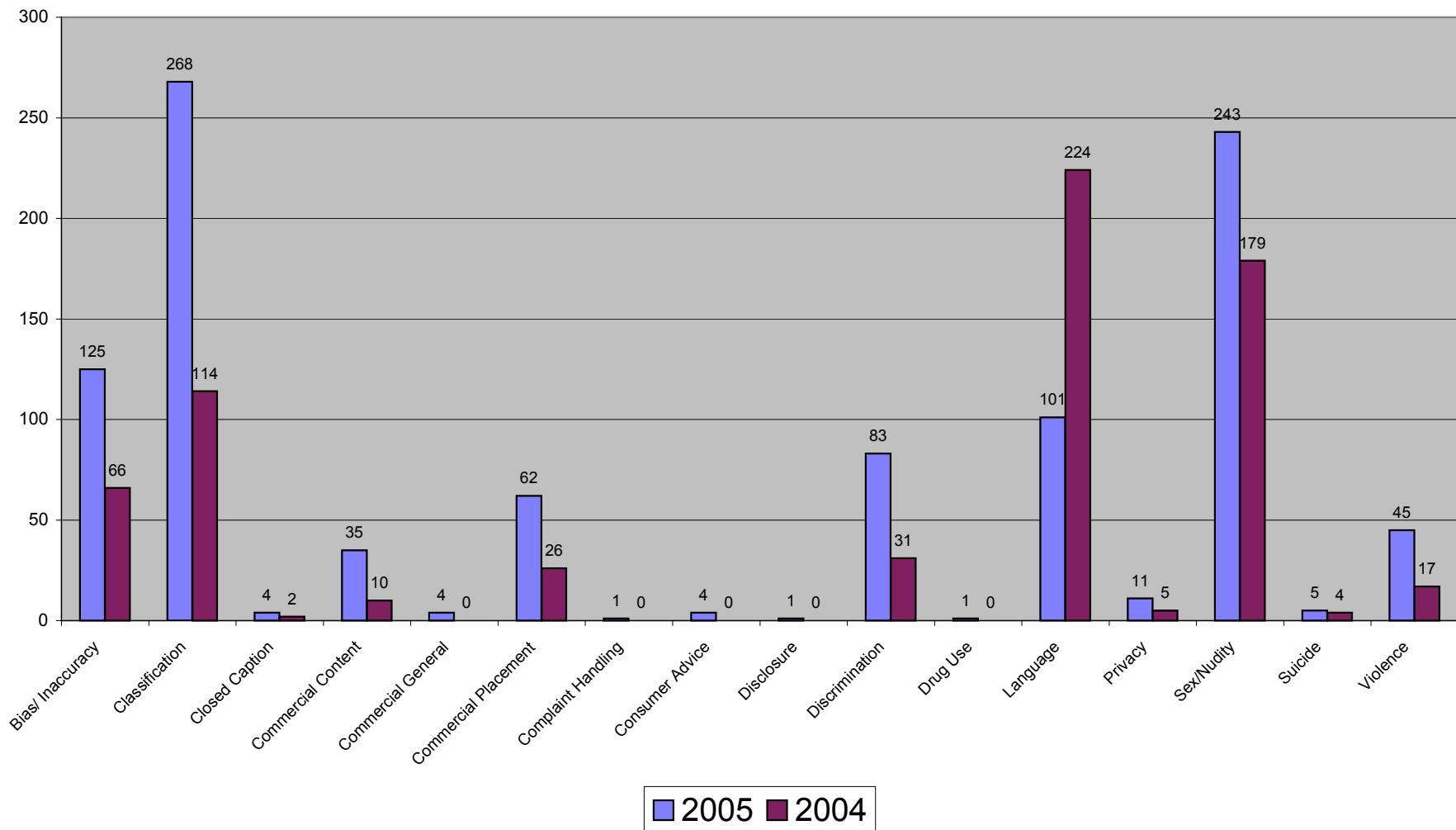
	Bias/ Inaccuracy	Classification	Closed Caption	Commercial Content	Commercial General	Commercial Placement	Complaint Handling	Consumer Advice	Disclosure	Discrimination	Drug Use	Language	Privacy	Sex/Nudity	Suicide	Violence		
Children	0	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3	0.3%
Comedy	0	24	0	0	0	2	0	1	0	24	0	8	0	25	0	8	92	9.2%
Current Affairs	69	27	0	4	0	0	1	0	0	4	0	0	4	1	0	1	111	11.1%
Documentary	0	0	0	1	0	0	0	0	0	2	0	3	0	3	0	1	10	1.0%
Drama	0	16	1	9	1	0	0	1	0	9	0	3	0	21	3	10	74	7.4%
Information	0	4	0	1	0	0	0	0	0	1	0	7	0	3	0	3	19	1.9%
Movie	0	21	2	4	0	4	0	0	0	0	0	15	0	7	0	7	60	6.0%
Music Video	0	3	0	0	0	1	0	0	0	5	0	2	0	9	2	0	22	2.2%
News	55	40	1	0	0	1	0	0	0	6	0	0	7	0	0	0	110	11.0%
Program Promos	0	23	0	3	0	0	0	1	0	3	0	15	0	55	0	14	114	11.4%
Religion	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	2	0.2%
Sport	0	67	0	3	0	2	0	0	0	0	0	5	0	1	0	2	80	8.0%
Unspecified	0	30	0	9	3	50	0	0	1	15	1	31	0	102	0	3	245	24.6%
Variety	0	11	0	1	0	1	0	1	0	13	0	12	0	16	0	0	55	5.5%
	125	268	4	35	4	62	1	4	1	83	1	101	11	243	5	49	997	100.0%
	12.5%	26.9%	0.4%	3.5%	0.4%	6.2%	0.1%	0.4%	0.1%	8.3%	0.1%	10.1%	1.1%	24.4%	0.5%	4.9%	100.0%	

Appendix 1 - Part (ii)

Code Complaints by Classification

	General	G Zone	PG Zone	M Zone	MA Zone	AV Zone	Upsetting Material	Not Suitable for TV	Total Complaints
Children	0	1	1	0	0	0	0	0	2
Comedy	3	9	4	2	0	0	6	0	24
Current Affairs	7	2	0	0	0	0	18	0	27
Drama	6	3	5	1	1	0	0	0	16
Information	1	2	1	0	0	0	0	0	4
Movie	10	2	5	2	1	0	1	0	21
Music Video	1	0	2	0	0	0	0	0	3
News	6	2	0	0	0	0	32	0	40
Program Promos	5	10	8	0	0	0	0	0	23
Sport	1	0	65	0	0	0	1	0	67
Unspecified	12	3	8	0	7	0	0	0	30
Variety	4	4	3	0	0	0	0	0	11
SubTotal	56	38	102	5	9	0	58	0	268
	20.9%	14.2%	38.1%	1.9%	3.4%	0.0%	21.6%	0.0%	

Appendix 2 Main Complaint Numbers



Appendix 3 Code Complaints by Quarter

