

**COMMERCIAL TELEVISION INDUSTRY
CODE OF PRACTICE**

ANNUAL CODE COMPLAINTS REPORT

1 July 2009 to 30 June 2010

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BACKGROUND

The Commercial Television Industry Code of Practice (the “Code”) was introduced in September 1993. The Code has been reviewed three times and revised Codes introduced in April 1999, July 2004 and January 2010.

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 2009 through to 30 June 2010.

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 co-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 2009/2010

Stations reported receiving a total of 1292 written Code complaints during the period 1 July 2009 to 30 June 2010¹. This compares with 908 in 2008/2009 and 1248 in 2007/2008. On average, 1292 complaints amount to less than 2 complaints per month, per licensee.

Complaints ranged over most categories of programs, however, news, commercials and program promotions attracted the highest complaint numbers.

The largest number of complaints (44.2%) related to the classification of commercials, program promotions and drama. The next most common category of complaints related to privacy (13.2%) in relation to news programming. The third most common category of complaints related to discrimination (11.8%) in programs. For further details refer to Appendices 1 to 3.

COMPLAINTS UPHELD BY STATIONS

Stations upheld 26 complaints in relation to 1292 overall complaints during the period 1 July 2009 to 30 June 2010 (compared with 14 upheld complaints in relation to 908 complaints during the period 1 July 2008 to 30 June 2009). They were:

1. There were 13 upheld complaints in relation to a promotion for *Rules of Engagement* on Network TEN during *Orangutan Diaries*, *The Simpsons* and *Australian Idol*. The promotion was found to be unsuitable for PG time zones. The network agreed that this promotion was placed incorrectly.
2. There were also two instances of the *Rules of Engagement* promotion being broadcast on Southern Cross TEN (*The Simpsons* and *Australian Idol*). The promotion was found to be unsuitable for PG time zones due to sexual references. The network agreed that the promotion had been incorrectly classified and steps have been taken to prevent this reoccurrence.

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

3. There was one upheld complaint in relation to a commercial promoting the film *Funny People* on Network TEN during *Thunderbirds*. The commercial was classified M and scheduled according to the Code requirements for a commercial for an MA15+ classified film. The network agreed that the commercial was broadcast incorrectly in a PG time zone.
4. There was 1 upheld complaint in relation to the AFL Grand Final 2006 replay (Language category). The Network agreed that an un-edited version of program should not have been broadcast and steps have been taken to prevent this reoccurrence.
5. There were 4 upheld complaints in relation to a commercial for Sexpo on Network Ten during *News at Five* (Sex/Nudity category). The network agreed that this commercial was placed incorrectly.
6. There were 3 upheld complaints in relation to a Premium Sex Line commercial on Network Ten aired during the movie *Jaws 2* (Telephone Sex lines category). The network agreed that this commercial was placed incorrectly.
7. There was 1 upheld complaint in relation to a program segment on children's program *Totally Wild* on Network Ten. The network acknowledged that care should have been exercised in selection of material that was violent and unsuitable for Children's viewing.
8. There was 1 upheld complaint in relation to a G program *One Tree Hill* on Network Ten. The network agreed that the content exceeded a PG classification.

COMPLAINTS REFERRED TO ACMA

In the year to 30 June 2010, ACMA considered 64 Code complaints which had been assessed by stations, and had then been referred by the viewer to ACMA. This equates to 4.95% of the 1292 Code complaints received by stations during the period 1 July 2009 to 30 June 2010. The small number of complaints referred to ACMA indicates that in 95% of cases viewers are satisfied with the station's investigation and response.

26 of the 64 complaints referred to ACMA were upheld. Details of decisions made by ACMA can be accessed on the ACMA website www.acma.gov.au.

Further analysis of complaints received by stations during the period 1 July 2009 to 30 June 2010 is contained in the attached appendices.

ACCOMPANYING TABLES

The tables on the following pages set out:

- Appendix 1 – complaints by State and by metropolitan and regional stations;
- Appendix 2 – complaints by complaint category; complaints by classification (tables); and a breakdown of classification by element (pie chart);
- Appendix 3 – complaints by complaint category (comparative charts); and
- Appendix 4 – complaint trends since January 2000.

APPENDICES

Appendix 1: Report on Code Complaints to Stations

1 July 2009 to 30 June 2010

	METRO		REGIONAL		TOTAL		Metro %	Regional %	% of Total
	Stations	Complaints	Stations	Complaints	Stations	Complaints			
ACT	0	0	1	48	1	48	0.0%	18.1%	3.7%
NSW	3	426	5	122	8	548	41.5%	46.0%	42.4%
NT	0	0	1	1	1	1	0.0%	0.4%	0.1%
QLD	4	205	2	24	6	229	20.0%	9.1%	17.7%
SA	2	80	2	4	4	84	7.8%	1.5%	6.5%
TAS	0	0	2	14	2	14	0.0%	5.3%	1.1%
VIC	3	226	3	35	6	261	22.0%	13.2%	20.2%
WA	2	90	3	17	5	107	8.8%	6.4%	8.3%
TOTAL	14	1027	19	265	33	1292	100.0%	100.0%	100.0%

Appendix 2 Part (i): Report on Code Complaints by Category

1 July 2009 to 30 June 2010

	Bias/ Inaccuracy	Classification	Closed Caption	Commercial General	Commercial Placement	Commercial Time	Complaint Handling	Consumer Advice	Disclosure	Discrimination	Emergency Information	Multichannel	Privacy	Program General	Upsetting Material	Total	%
Children	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1%
Comedy	0	60	1	0	0	2	0	0	0	27	0	0	0	3	1	94	7.3%
Commercial	0	118	0	4	60	10	4	0	5	1	0	0	0	6	4	212	16.4%
Current Affairs	53	23	0	0	0	0	0	0	6	31	0	0	8	2	4	127	9.8%
Documentary	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1%
Drama	0	74	27	0	0	26	0	1	9	2	0	5	0	1	1	146	11.3%
Light Entertainment	0	56	0	0	1	2	0	0	1	45	0	1	0	0	0	106	8.2%
Movie	0	22	2	1	1	5	0	0	1	1	0	0	0	0	0	33	2.6%
Music Video	0	7	0	0	0	0	0	0	0	1	0	0	0	0	0	8	0.6%
News	40	34	6	1	2	2	0	0	9	10	2	0	162	4	16	288	22.3%
Program Promos	5	123	0	0	0	5	1	0	5	7	0	2	0	1	1	150	11.6%
Quiz	0	7	0	1	0	0	0	0	0	1	0	0	0	0	0	9	0.7%
Reality	0	24	3	0	0	3	0	0	0	14	0	0	0	0	0	0	0.0%
Religion	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0.1%
Sport	0	15	0	4	0	12	0	0	1	7	0	0	0	0	0	0	0.0%
Unspecified	0	0	9	3	1	5	1	0	0	0	0	2	0	0	0	21	1.6%
Variety	0	5	1	0	0	1	0	0	0	5	0	0	0	0	0	12	0.9%
Total	98	571	49	14	65	73	6	1	37	152	2	10	170	17	27	1292	93.6%
%	7.6%	44.2%	3.8%	1.1%	5.0%	5.7%	0.5%	0.1%	2.9%	11.8%	0.2%	0.8%	13.2%	1.3%	2.1%	100.0%	

* The Classification category includes the classification elements drug use, language, sex/nudity, suicide, violence, themes, dangerous imitable, and other

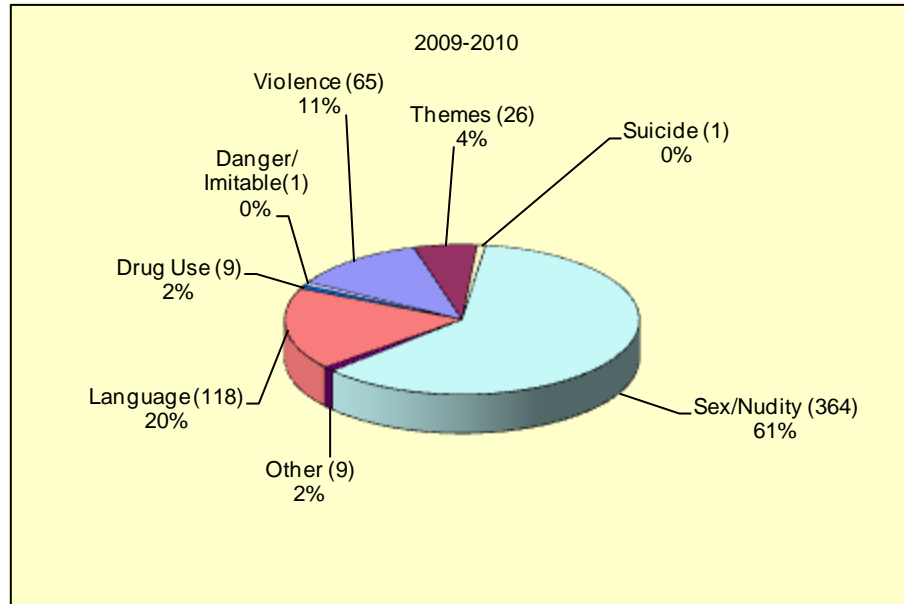
Appendix 2 Part (ii): Report on Classification

1 July 2009 to 30 June 2010

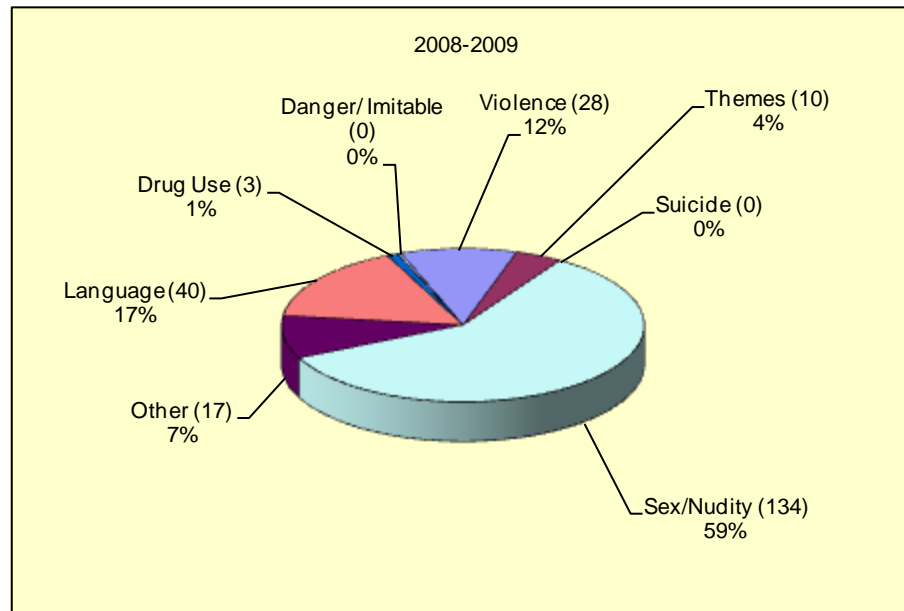
	Childrens	Film	G Zone	General	M Zone	MA Zone	New/Current Affairs	Not suitable for TV	PG Zone	Total	%
Children	1	0	0	0	0	0	0	0	0	1	0.2%
Comedy	0	0	1	0	39	4	0	0	16	60	10.5%
Commercial	0	0	10	0	52	0	0	0	56	118	20.7%
Current Affairs	0	0	2	0	0	0	21	0	0	23	4.0%
Documentary	0	0	0	0	0	0	0	0	1	1	0.2%
Drama	0	0	7	2	27	5	0	0	33	74	13.0%
Light Entertainment	0	0	9	0	4	0	0	0	43	56	9.8%
Movie	0	2	0	0	17	3	0	0	0	22	3.9%
Music Video	0	0	0	0	0	0	0	0	7	7	1.2%
News	0	0	3	1	0	0	27	1	2	34	6.0%
Program Promos	0	0	48	2	10	0	2	0	61	123	21.5%
Quiz	0	0	0	0	0	0	0	0	7	7	1.2%
Reality	0	0	2	0	1	0	0	0	21	24	4.2%
Religion	0	0	1	0	0	0	0	0	0	1	0.2%
Sport	0	0	0	0	4	0	4	0	7	15	2.6%
Variety	0	0	2	0	0	0	0	0	3	5	0.9%
TOTAL	1	2	85	5	154	12	54	1	257	571	100.0%
%	0.2%	0.4%	14.9%	0.9%	27.0%	2.1%	9.5%	0.2%	45.0%	100.0%	

Appendix 2 Part (iii): Report on Classification Breakdown

1 July 2009 to 30 June 2010

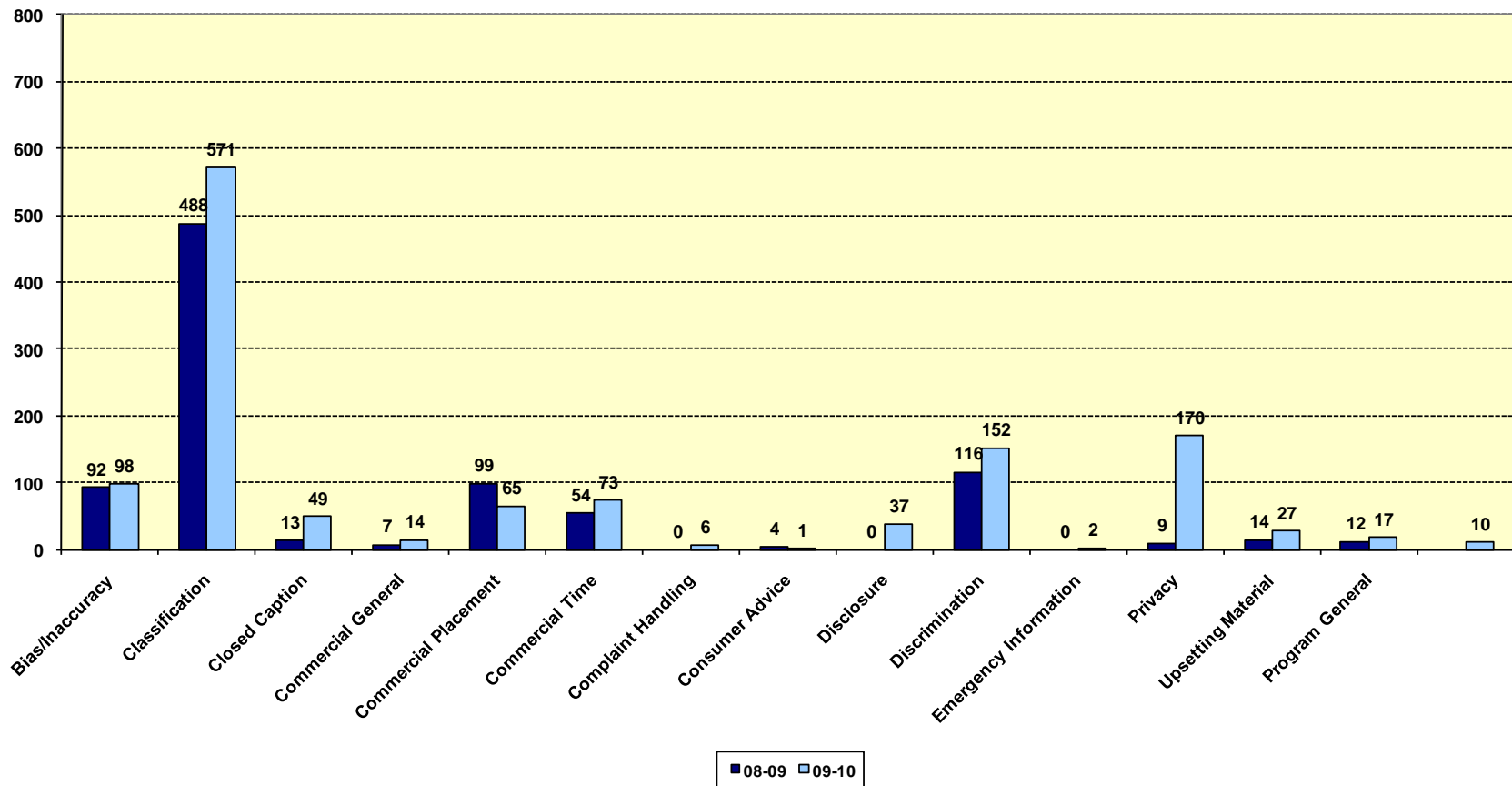


1 July 2008 to 30 June 2009



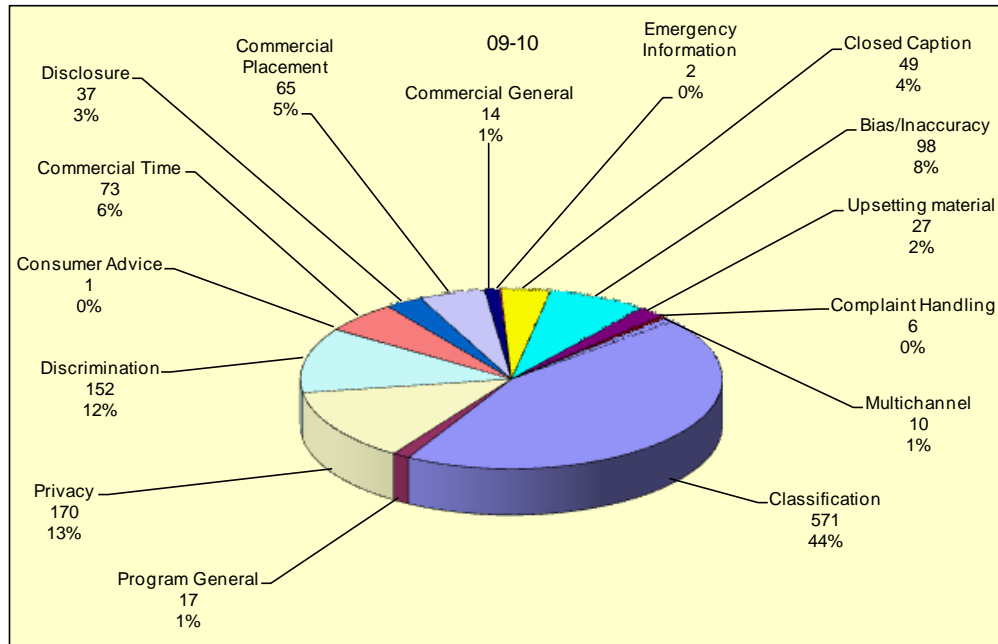
Appendix 3: Report on Main Complaint Numbers

1 July 2009 to 30 June 2010 vs 1 July 2008 to 30 June 2009

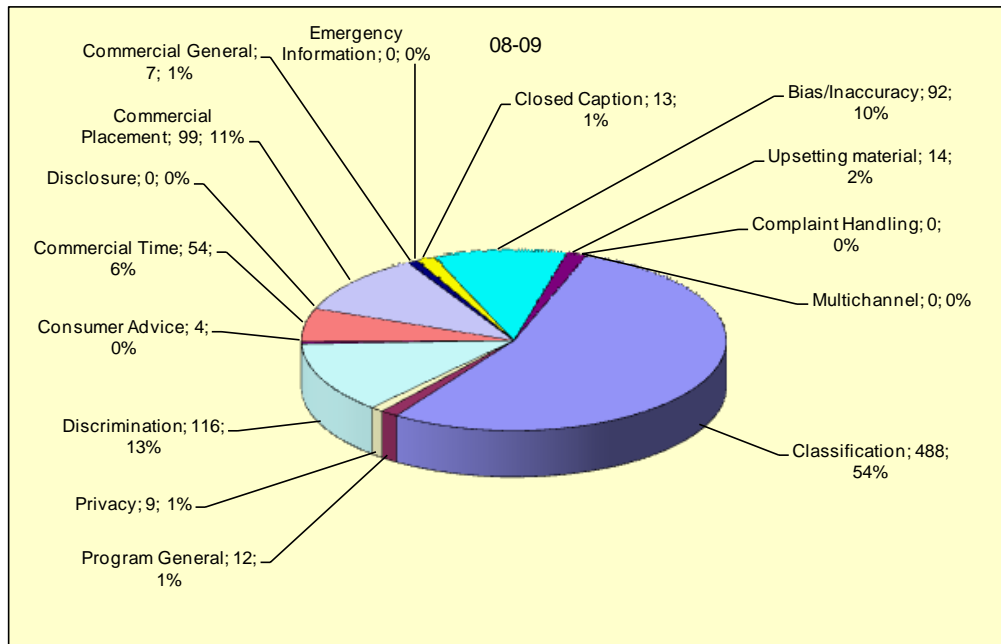


Appendix 3a: Report on Code Complaints by Category

1 July 2009 to 30 June 2010



1 July 2008 to 30 June 2009



Appendix 4: Code Complaints by Quarter – 2000 to 2010

1 January 2000 to 30 June 2010

