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**COMMERCIAL TELEVISION INDUSTRY
CODE OF PRACTICE**

ANNUAL CODE COMPLAINTS REPORT

1 July 2007 to 30 June 2008

17 September 2009

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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 2007 through to 30 June 2008.

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 2007/2008

Stations reported receiving a total of 1,248 written Code complaints during the period 1 July 2007 to 30 June 2008.¹ This compares with 914 in 2006/2007 and 1109 in 2005/2006. On average 1,248 complaints amounts to two complaints per month, per station.

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

The largest number of complaints (63.9%) related to the classification of program items. The next most common category of complaints related to discrimination (16.9%) in a range of program genres including news, light entertainment, current affairs, comedy and program promotions. The third most common category of complaints related to bias and inaccuracy (6.1%) in news and current affairs programs. For further details refer to Appendices 1 to 3.

COMPLAINTS UPHELD BY STATIONS

Stations upheld 7 complaints in relation to 6 broadcast items during the period 1 July 2007 to 30 June 2008 (compared with 18 upheld complaints in relation to 9 program items during the period 1 July 2006 to 30 June 2007). They were:

1. There were two upheld complaints in relation to a 'TAC' commercial being aired during *Futurama* (Network Ten). The network agreed the TVC was misplaced due to an unintentional human error. They have evaluated their personnel and system processes to prevent such a mistake from occurring again.
2. There was one upheld complaint in relation to an 'America's Next Top Model' commercial which was aired during *Sponge Bob Square Pants* (Network Ten). This was due to an unintentional human error and the network agreed it should not have been aired at this time. The issue was immediately identified and steps have been

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

taken to guard against any future reoccurrence of this mistake. Code training seminars have been conducted for the relevant station departments.

3. There was one complaint in relation to no captioning during *Ten's Saturday Night AFL*. The network (Southern Cross) agreed that there were no captions broadcast due to technical issues receiving the program feed which resulted in captions being stripped from outgoing program. The network will continue to monitor the quality of the caption facility to ensure fault does not re-occur.
4. There was one upheld complaint in relation to a story reported during the *5pm News* (Southern Cross). After reviewing the footage the network agreed there was an inaccuracy in the news script, though the video footage gave viewers an accurate picture of the story.
5. There was one upheld complaint in relation to a United International Pictures commercial for the movie *The Heartbreak Kid* being aired during *Thank God You're Here* (Southern Cross).

The Network agreed the commercial was misplaced due to an unintentional human error. They have evaluated their personnel and systems processes to prevent such a mistake from happening again.

6. There was one partially upheld complaint in relation to program promotions for *Don't Forget the Lyrics* and *Animalia* (Network TEN).

The Network agreed that the promotions for the above two programs carried the incorrect classification symbol due to unintentional human error. They have re-evaluated their personnel and systems processes to ensure such mistakes do not recur.

COMPLAINTS REFERRED TO ACMA

In the year to 30 June 2008, ACMA considered 71 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA. This equates to 5.6% of the 1248 Code complaints received by stations during the period 1 July 2007 to 30 June 2008. The small number of complaints referred to ACMA indicates that in 94.4% of cases viewers are satisfied with the station's investigation and response.

Only 22 of the 71 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 2007 to 30 June 2008 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 2007 to 30 June 2008

| | METRO | | REGIONAL | | TOTAL | | Metro % | Regional % | % of Total |
|--------------|-----------|-------------|-----------|------------|-----------|-------------|--------------|--------------|---------------|
| | Stations | Complaints | Stations | Complaints | Stations | Complaints | | | |
| ACT | 0 | 0 | 1 | 41 | 1 | 41 | 0.0% | 16.5% | 3.3% |
| NSW | 3 | 369 | 6 | 82 | 9 | 451 | 36.9% | 33.1% | 36.1% |
| NT | 0 | 0 | 0 | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| QLD | 4 | 161 | 3 | 67 | 7 | 228 | 16.1% | 27.0% | 18.3% |
| SA | 3 | 118 | 3 | 8 | 6 | 126 | 11.8% | 3.2% | 10.1% |
| TAS | 1 | 7 | 2 | 7 | 3 | 14 | 0.7% | 2.8% | 1.1% |
| VIC | 3 | 254 | 4 | 30 | 7 | 284 | 25.4% | 12.1% | 22.8% |
| WA | 3 | 91 | 2 | 13 | 5 | 104 | 9.1% | 5.2% | 8.3% |
| TOTAL | 17 | 1000 | 21 | 248 | 38 | 1248 | 80.1% | 19.9% | 100.0% |

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

1 July 2007 to 30 June 2008

| | Bias/ Inaccuracy | Classification | Closed Caption | Commercial General | Commercial Placement | Commercial Time | Complaint Handling | Consumer Advice | Disclosure | Discrimination | Privacy | Program General | Upsetting Material | Total | % |
|------------------------|---------------------|----------------|-------------------|-----------------------|-------------------------|--------------------|-----------------------|--------------------|-------------|----------------|-------------|--------------------|-----------------------|---------------|---------------|
| Children | 0 | 9 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 13 | 1.0% |
| Comedy | 0 | 342 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 96 | 0 | 2 | 0 | 444 | 35.6% |
| Commercial | 0 | 46 | 0 | 9 | 27 | 10 | 0 | 0 | 0 | 2 | 0 | 1 | 0 | 95 | 7.6% |
| Current Affairs | 36 | 7 | 3 | 0 | 0 | 0 | 1 | 0 | 1 | 15 | 2 | 0 | 0 | 65 | 5.2% |
| Documentary | 0 | 13 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 0 | 1 | 0 | 19 | 1.5% |
| Drama | 0 | 60 | 9 | 0 | 3 | 2 | 0 | 0 | 0 | 3 | 0 | 0 | 1 | 78 | 6.3% |
| Information | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 3 | 0.2% |
| Light Entertainment | 0 | 30 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 15 | 0 | 3 | 0 | 49 | 3.9% |
| Movie | 0 | 33 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 37 | 3.0% |
| Music Video | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 0 | 54 | 4.3% |
| News | 39 | 16 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 5 | 12 | 91 | 7.3% |
| Program Promos | 1 | 65 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 39 | 1 | 2 | 0 | 109 | 8.7% |
| Quiz | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 1 | 12 | 1.0% |
| Reality | 0 | 145 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 10 | 0 | 3 | 0 | 160 | 12.8% |
| Religion | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.1% |
| Shopping Guide | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.1% |
| Sport | 0 | 6 | 1 | 1 | 0 | 5 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 14 | 1.1% |
| Unspecified | 0 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0.2% |
| Total | 76 | 797 | 15 | 12 | 34 | 24 | 2 | 1 | 1 | 211 | 3 | 57 | 15 | 1248 | 100.0% |
| % | 6.1% | 63.9% | 1.2% | 1.0% | 2.7% | 1.9% | 0.2% | 0.1% | 0.1% | 16.9% | 0.2% | 4.6% | 1.2% | 100.0% | |

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

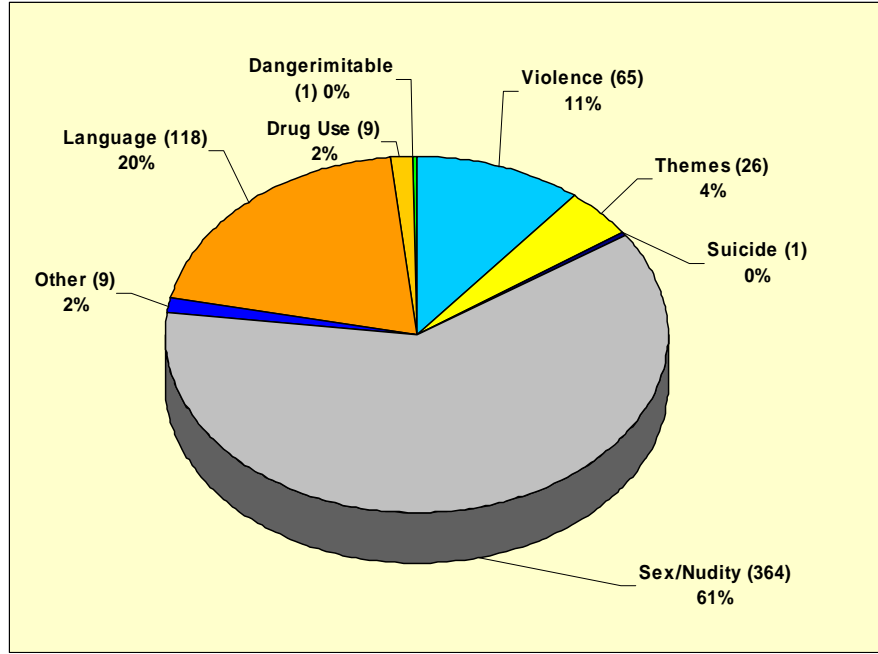
Appendix 2 Part (ii): Report on Classification

1 July 2007 to 30 June 2008

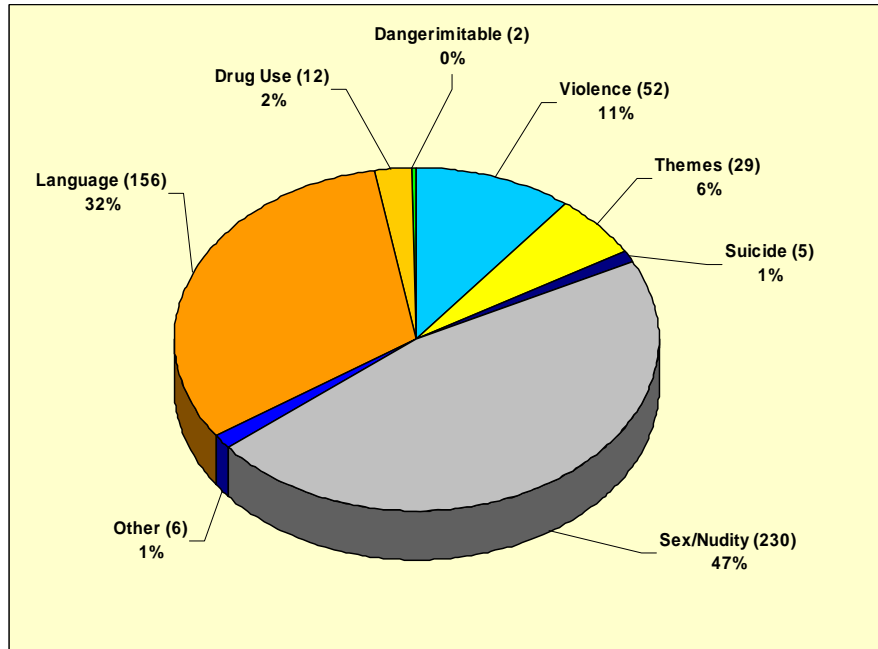
| | G Zone | PG Zone | M Zone | MA Zone | AV Zone | Not Suitable for TV | Other | Total | % |
|---------------------|-------------|--------------|--------------|--------------|-------------|---------------------|-------------|---------------|----------------|
| Children | 5 | 3 | 0 | 0 | 0 | 0 | 1 | 9 | 1.1% |
| Comedy | 5 | 38 | 1 | 295 | 2 | 1 | 0 | 342 | 42.9% |
| Commercial | 8 | 27 | 9 | 2 | 0 | 0 | 0 | 46 | 5.8% |
| Current Affairs | 0 | 0 | 1 | 0 | 0 | 0 | 6 | 7 | 0.9% |
| Documentary | 1 | 3 | 6 | 0 | 0 | 3 | 0 | 13 | 1.6% |
| Drama | 7 | 14 | 35 | 1 | 1 | 2 | 0 | 60 | 7.5% |
| Information | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0.1% |
| Light Entertainment | 3 | 22 | 1 | 1 | 0 | 0 | 3 | 30 | 3.8% |
| Movie | 0 | 8 | 22 | 3 | 0 | 0 | 0 | 33 | 4.1% |
| Music Video | 1 | 11 | 0 | 1 | 0 | 1 | 0 | 14 | 1.8% |
| News | 4 | 2 | 0 | 1 | 0 | 0 | 9 | 16 | 2.0% |
| Program Promos | 17 | 28 | 16 | 0 | 0 | 0 | 4 | 65 | 8.2% |
| Quiz | 0 | 6 | 0 | 1 | 1 | 0 | 0 | 8 | 1.0% |
| Reality | 11 | 52 | 64 | 2 | 4 | 9 | 3 | 145 | 18.2% |
| Religion | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0.1% |
| Sport | 0 | 2 | 0 | 0 | 0 | 0 | 4 | 6 | 0.8% |
| Unspecified | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0.1% |
| TOTAL | 63 | 218 | 155 | 307 | 8 | 16 | 30 | 797 | 100.00% |
| % | 7.9% | 27.4% | 19.4% | 38.5% | 1.0% | 2.0% | 3.8% | 100.0% | |

Appendix 2 Part (iii): Report on Classification Breakdown

1 July 2007 to 30 June 2008

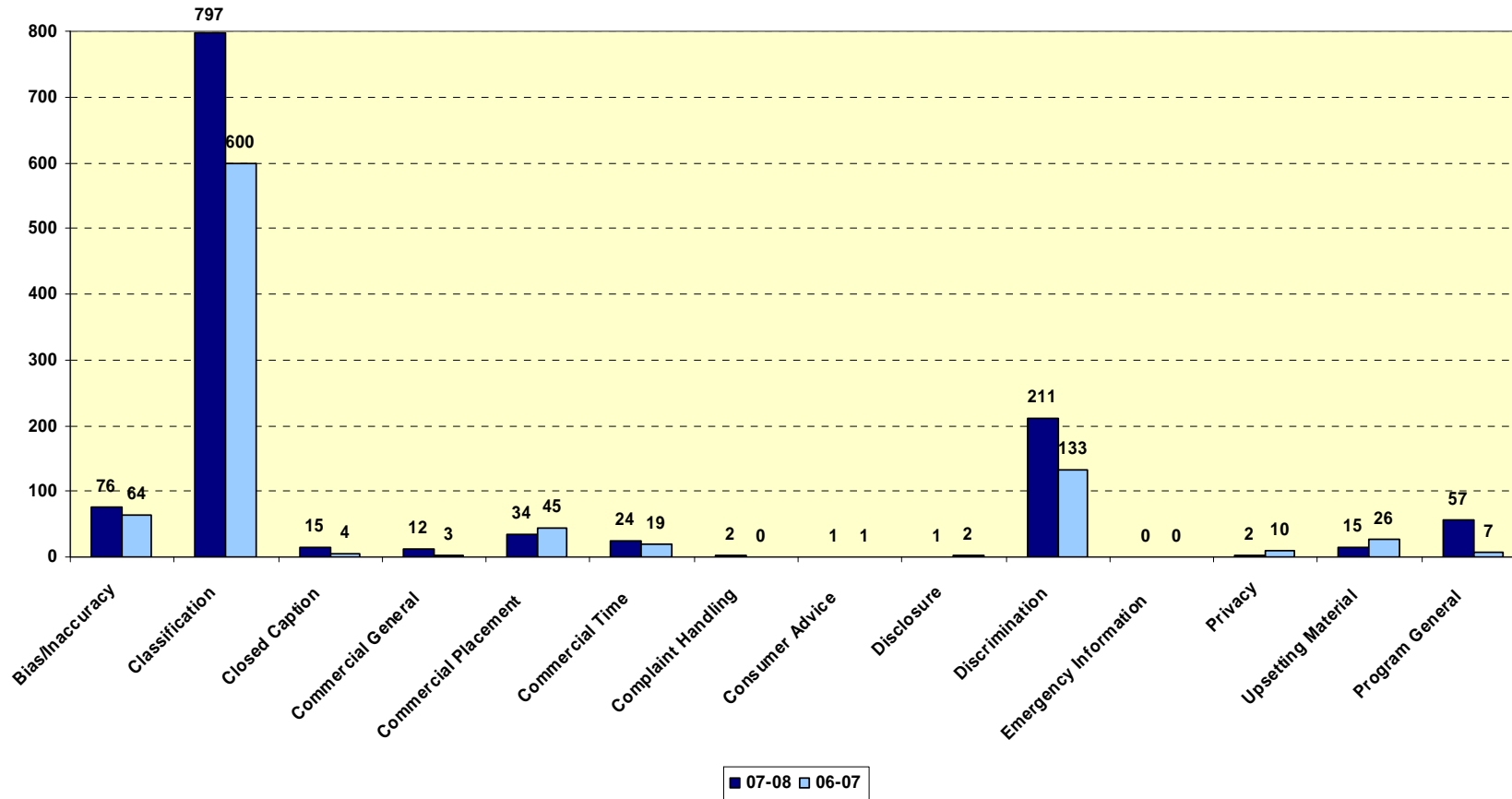


1 July 2006 to 30 June 2007



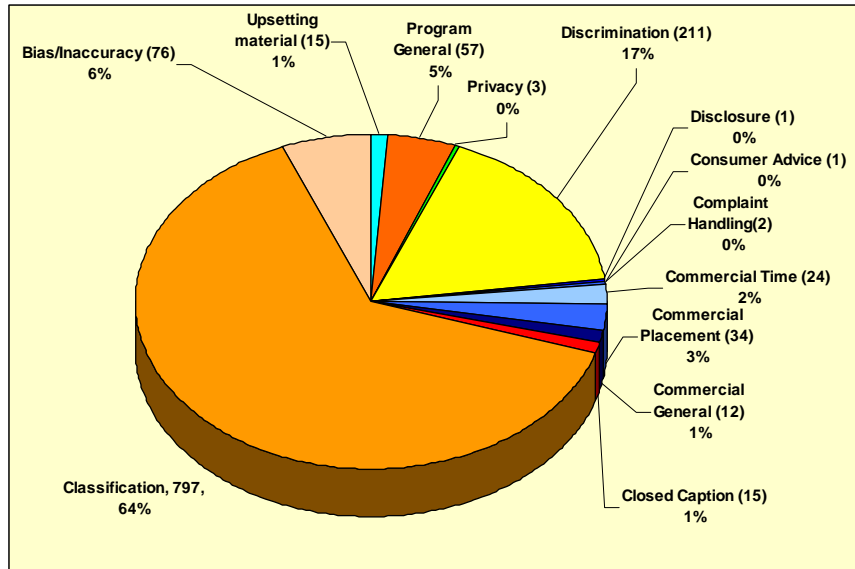
Appendix 3: Report on Main Complaint Numbers

1 July 2007 to 30 June 2008 vs 1 July 2006 to 30 June 2007

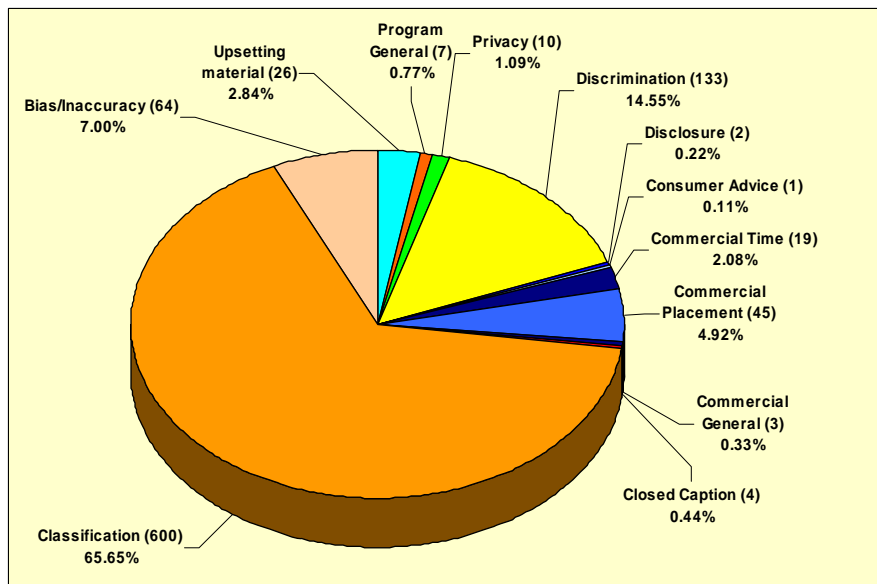


Appendix 3a: Report on Code Complaints by Category

1 July 2007 to 30 June 2008



1 July 2006 to 30 June 2007



Appendix 4: Code Complaints by Quarter

1 January 2000 to 30 June 2007

