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**COMMERCIAL TELEVISION INDUSTRY
CODE OF PRACTICE**

ANNUAL CODE COMPLAINTS REPORT

1 July 2006 to 30 June 2007

19 November 2007

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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 2006 through to 30 June 2007.

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 2006/2007

Stations reported receiving a total of 914 written Code complaints during the period 1 July 2006 to 30 June 2007.¹ This was 17% less complaints than the 1109 complaints received for the previous year. On average 914 complaints amounts to less than two complaints per month, per station.

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

The largest number of complaints (65.6%) related to the classification of program items. The next most common category of complaints related to discrimination (14.6%) in a range of program genres including reality, comedy, current affairs, light entertainment and variety. The third most common category of complaints related to bias and inaccuracy (7.0%) in news and current affairs programs. For further details refer to Appendices 1 to 3.

Programs receiving the highest number of complaints were:

- **Today Tonight** (Seven Network) – there were 83 complaints mostly concerning perceived bias and/or inaccuracy in reporting, material considered to be inappropriate for the time zone and perceived discrimination in reporting.
- **Australian Idol** (Network Ten) – there were 51 complaints mostly concerning perceived discrimination, sexual references and language considered to be inappropriate.
- **The Ronnie Johns Half Hour** (Network Ten) – there were 45 complaints mostly concerning perceived discrimination and language considered to be inappropriate.
- **New Years Eve 2006** (Network Ten) – there were 39 complaints mostly concerning sexual references considered to be inappropriate.

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

- **The Biggest Loser** (Network Ten) – there were 21 complaints mostly concerning perceived language considered to be inappropriate.
- **Sunrise** (Seven Network) – there were 21 complaints mostly concerning content considered to be offensive, perceived discrimination and language considered inappropriate.

COMPLAINTS UPHELD BY STATIONS

Stations upheld 18 complaints in relation to 9 broadcast items during the period 1 July 2006 to 30 June 2007 (compared with 38 upheld complaints in relation to 16 program items during the period 1 July 2005 to 30 June 2006). They were:

1. There were four upheld complaints in relation to coarse language used during an interview segment on *Video Hits* (Network Ten). The network agreed due to an oversight during production, the coarse language should have been modified for the 'G' classified time zone within which it was broadcast. By the following day the network had already instituted several procedural changes to guard against this happening again.
2. There were four upheld complaints in relation to a '*Wild SMS*' commercial which was aired during the movie *Annie* (Seven Network). The network agreed that this commercial was aired at this time due to human error. The issue was immediately identified and steps have been taken to guard against any future reoccurrence of this error.
3. There were three upheld complaints in relation to a program promotion for *The Ronnie Johns Half Hour* (Network Ten). The network agreed that the promotion, which was incomplete and not intended for broadcast, was placed in the broadcast system due to an administrative error. The network identified the error the instant the promotion was broadcast and removed the promotion from the broadcast schedule immediately. The promotion was only broadcast on the east coast as the network was able to prevent it from going to air in Adelaide and Perth due to the

time difference. The network has taken measures to ensure against a similar future occurrence.

4. There were two upheld complaints in relation to a *Sex-Line commercial* which was aired during the *V8 Supercars (Southern Cross)*. The network agreed due to a human error this commercial should not have been aired at this time. This commercial was initially scheduled for broadcast on the night prior, but was not broadcast due to external program supply issues. A key classification procedure was not followed during the rescheduling process, which resulted in the material being broadcast in an incorrect time zone. As a result of this error all presentation staff members have undertaken further training in the placement on non-program content.
5. There was one upheld complaint in relation to an advertisement for the Advanced Medical Institute (erectile problems). The network (Southern Cross) agreed that, due to human error in the scheduling department, this advertisement was incorrectly shown during a live broadcast of the Australia v South Africa rugby union match. The network has taken steps to avoid a similar future occurrence.
6. There was one upheld complaint in relation to coarse language used during a live interview after the *AFL Grand Final (Network Ten)*. The network is taking measures to reduce the likelihood of a similar future occurrence and has written formally to the AFL and the AFL Player's Association offering to work closely with both bodies, clubs and players to educate the players as to the impact of their actions, their responsibilities as professional athletes, and to ensure such language is not used again.
7. There was one upheld complaint in relation to an advertisement for the '*Premix King*' Commercial which was aired during an *AFL Football game (Southern Cross)*. The network agreed, due to human error at the production company producing the commercial, the script did not go through the appropriate approval procedures for alcohol commercials. The commercial has been deleted from the stations library to prevent any future broadcast. The error within the script has been brought to the attention of the commercial production company. The network has reviewed and

will continue to upgrade their commercial accepting procedures with a view to prevent a recurrence and to ensure that similar incidents do not occur in the future.

8. There was one upheld complaint in relation to an advertisement for *'Puppetry of the Penis' commercial* which was aired during *Australian Idol* (Southern Cross). The network agreed that the commercial should not have been aired during this time-slot. An incorrect classification was applied to the commercial and the material was unintentionally scheduled during the incorrect time zone. The classification applied to the commercial has since been changed so that it will only be broadcast in the time zones appropriate to the 'M' classification.
9. There was one upheld complaint in relation to inaccurate reporting of an item within the *TEN Late Night News* program. After reviewing the story, the Network agreed that there was an inaccuracy in the reporting. The Network has spoken to the team responsible for the story to ensure that more care is taken in portraying the context of quoted material accurately.

COMPLAINTS REFERRED TO ACMA

In the year to 30 June 2007, ACMA considered 61 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA. This equates to 7% of the 914 Code complaints received by stations during the period 1 July 2006 to 30 June 2007. The small number of complaints referred to ACMA indicates that in 93% of cases viewers are satisfied with the station's investigation and response.

Only 11 of the 61 complaints referred to ACMA (18%) 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 2006 to 30 June 2007 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 2006 to 30 June 2007

	METRO		REGIONAL		TOTAL		Metro %	Regional %	% of Total
	Stations	Complaints	Stations	Complaints	Stations	Complaints			
ACT	0	0	1	38	1	38	0.0%	33.6%	4.2%
NSW	3	292	3	33	6	325	36.5%	29.2%	35.6%
NT	0	0	1	1	1	1	0.0%	0.9%	0.1%
QLD	4	169	2	23	6	192	21.1%	20.4%	21.0%
SA	3	78	1	2	4	80	9.7%	1.8%	8.8%
TAS	0	0	2	3	2	3	0.0%	2.7%	0.3%
VIC	3	164	2	13	5	177	20.5%	11.5%	19.4%
WA	3	98	0	0	3	98	12.2%	0.0%	10.7%
TOTAL	16	801	12	113	28	914	87.6%	12.4%	100.0%

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

1 July 2006 to 30 June 2007

	Bias/ Inaccuracy	Classification	Closed Caption	Commercial General	Commercial Placement	Commercial Time	Consumer Advice	Disclosure	Discrimination	Privacy	Program General	Upsetting Material	Total	%
Children	0	6	0	0	0	0	0	0	1	0	0	0	7	0.8%
Comedy	0	89	0	0	0	1	0	0	28	0	0	0	118	12.9%
Commercial	0	114	0	2	40	5	0	0	0	0	2	0	163	17.8%
Current Affairs	40	45	0	0	1	0	0	0	22	7	1	6	122	13.3%
Documentary	0	5	0	0	0	1	0	0	0	0	0	0	6	0.7%
Drama	0	66	0	0	2	7	0	0	1	0	1	1	78	8.5%
Information	0	1	0	0	0	1	0	0	1	0	0	0	3	0.3%
Light Entertainment	0	39	0	0	0	0	0	1	14	0	0	0	54	5.9%
Movie	0	33	0	1	1	1	1	0	0	0	0	0	37	4.0%
Music Video	0	11	0	0	0	0	0	0	0	0	0	0	11	1.2%
News	22	15	2	0	0	0	0	1	9	3	2	18	72	7.9%
Program Promos	0	55	0	0	0	0	0	0	3	0	1	0	59	6.5%
Quiz	0	1	0	0	0	0	0	0	1	0	0	0	2	0.2%
Reality	0	56	0	0	0	0	0	0	39	0	0	0	95	10.4%
Religion	0	0	0	0	0	0	0	0	1	0	0	0	1	0.1%
Sport	0	4	0	0	1	1	0	0	2	0	0	0	8	0.9%
Unspecified	0	25	0	0	0	1	0	0	0	0	0	0	26	2.8%
Variety	2	35	2	0	0	1	0	0	11	0	0	1	52	5.7%
Total	64	600	4	3	45	19	1	2	133	10	7	26	914	100.0%
%	7.0%	65.6%	0.4%	0.3%	4.9%	2.1%	0.1%	0.2%	14.6%	1.1%	0.8%	2.8%	100.0%	

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

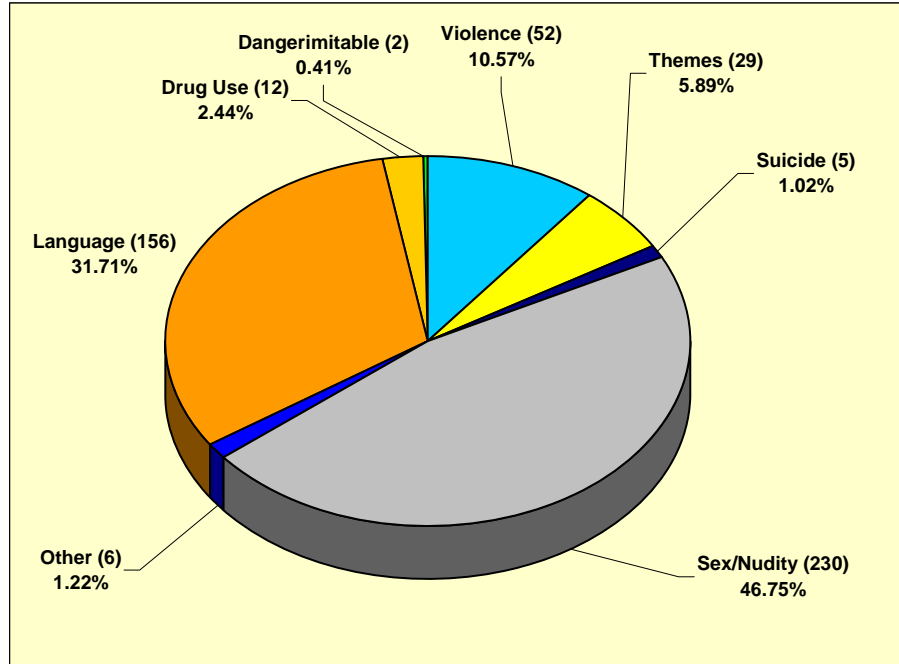
Appendix 2 Part (ii): Report on Classification

1 July 2006 to 30 June 2007

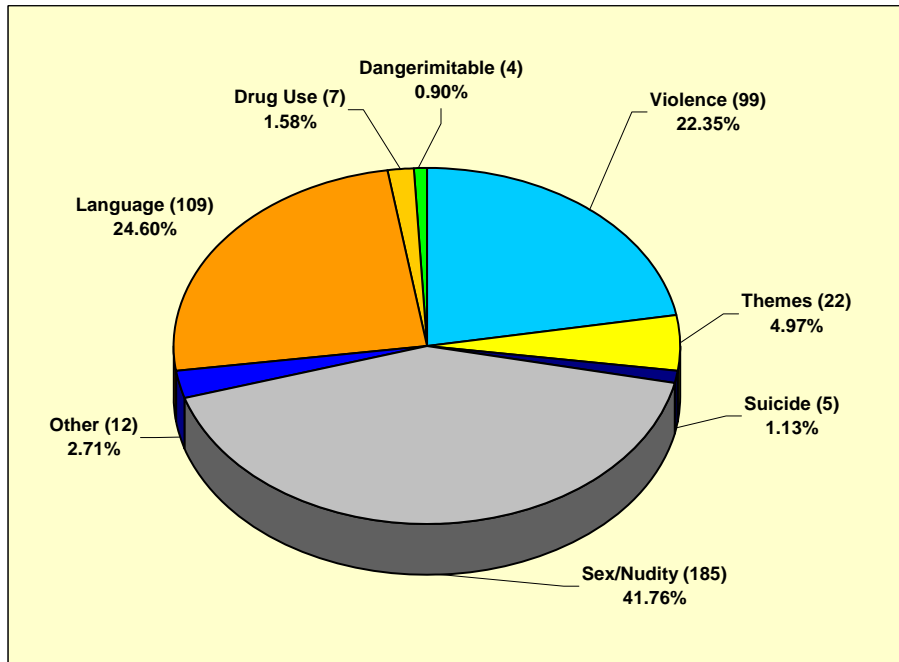
	G Zone	PG Zone	M Zone	MA Zone	AV Zone	Not Suitable for TV	Other	Total	%
Children	5	0	0	0	0	0	1	6	1.0%
Comedy	3	37	39	10	0	0	0	89	14.8%
Commercial	27	72	2	10	0	0	3	114	19.0%
Current Affairs	6	0	0	0	0	0	39	45	7.5%
Documentary	2	2	1	0	0	0	0	5	0.8%
Drama	20	12	15	16	2	0	1	66	11.0%
Information	0	1	0	0	0	0	0	1	0.2%
Light Entertainment	1	36	1	1	0	0	0	39	6.5%
Movie	0	12	19	2	0	0	0	33	5.5%
Music Video	8	2	1	0	0	0	0	11	1.8%
News	1	0	0	0	0	0	14	15	2.5%
Program Promos	17	31	5	0	0	0	2	55	9.2%
Quiz	0	1	0	0	0	0	0	1	0.2%
Reality	2	47	0	6	0	0	1	56	9.3%
Sport	0	2	0	1	0	0	1	4	0.7%
Unspecified	0	25	0	0	0	0	0	25	4.2%
Variety	1	20	13	1	0	0	0	35	5.8%
TOTAL	93	300	96	47	2	0	62	600	100.00%
%	15.5%	50.0%	16.0%	7.8%	0.3%	0.0%	10.3%	100.0%	

Appendix 2 Part (iii): Report on Classification Breakdown

1 July 2006 to 30 June 2007

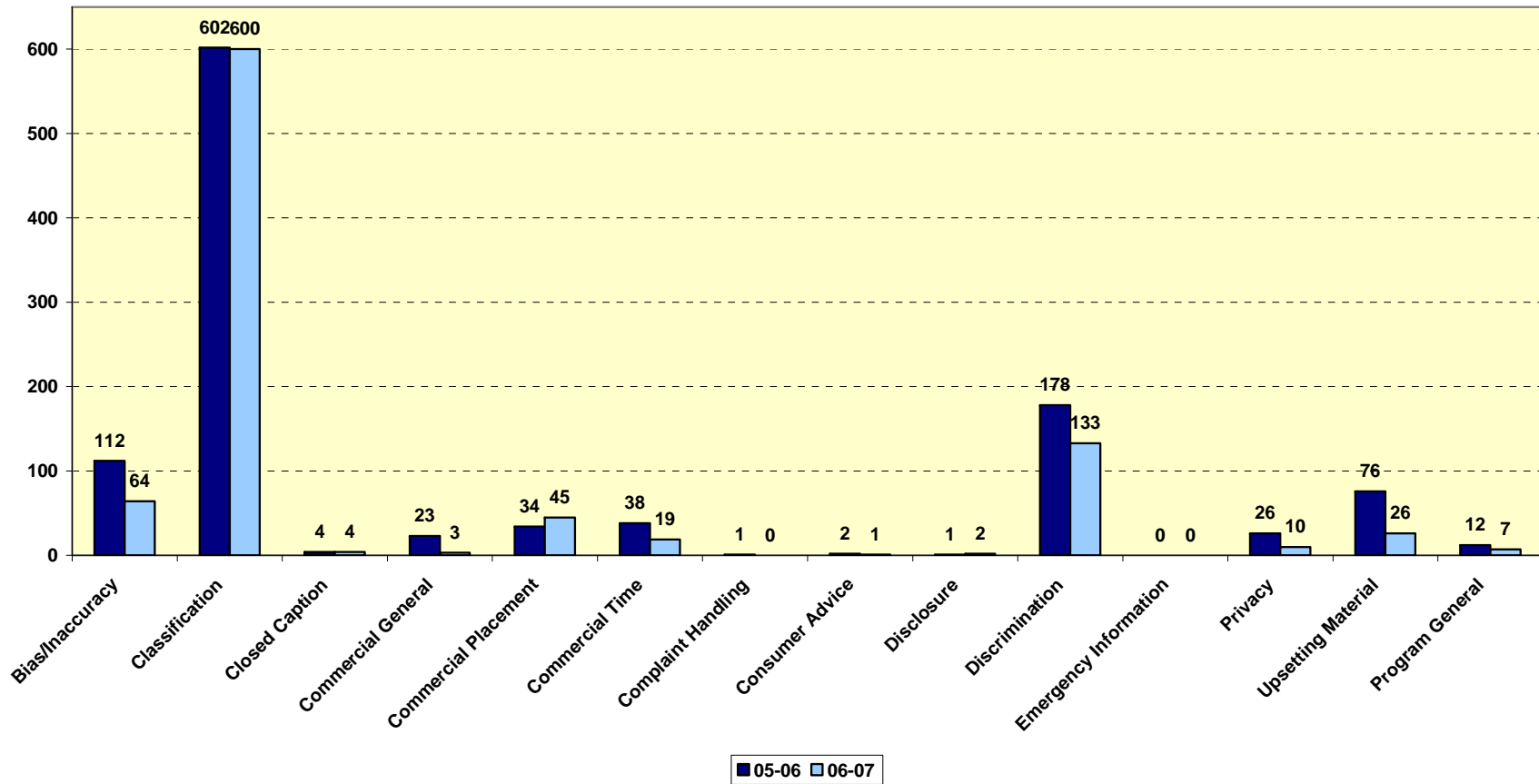


1 July 2005 to 30 June 2006



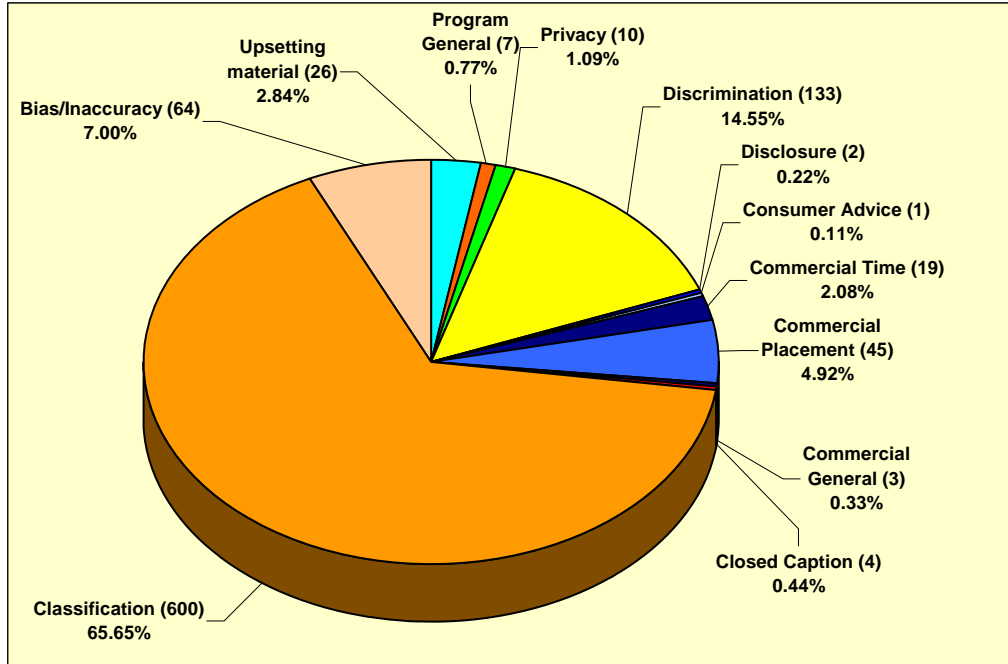
Appendix 3: Report on Main Complaint Numbers

1 July 2006 to 30 June 2007 vs 1 July 2005 to 30 June 2006

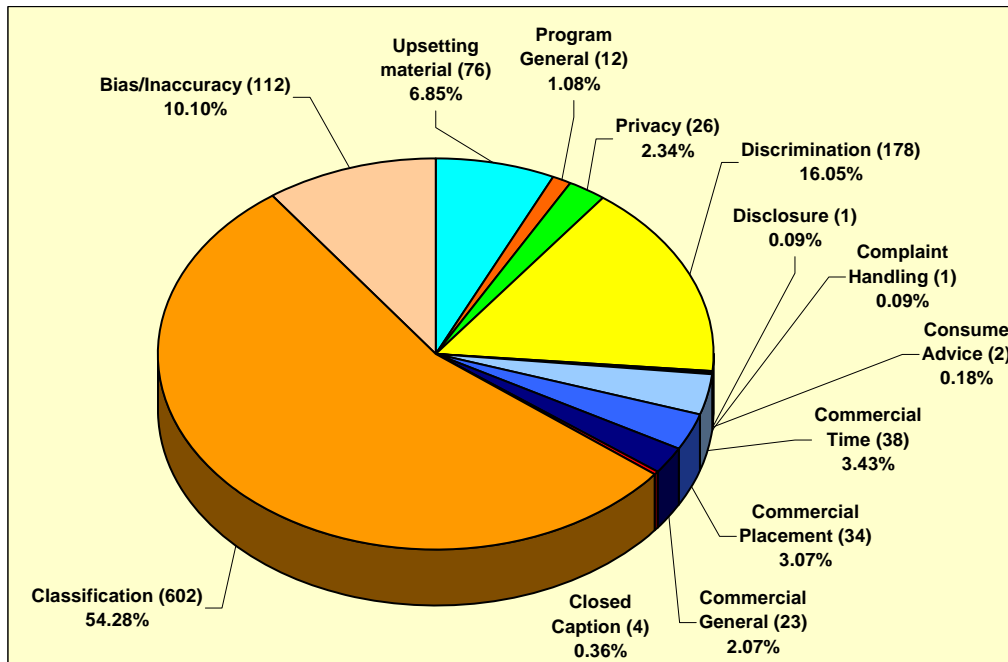


Appendix 3a: Report on Code Complaints by Category

1 July 2006 to 30 June 2007



1 July 2005 to 30 June 2006



Appendix 4: Code Complaints by Quarter

1 January 2000 to 30 June 2007

