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**COMMERCIAL TELEVISION INDUSTRY
CODE OF PRACTICE**

ANNUAL CODE COMPLAINTS REPORT

1 July 2008 to 30 June 2009

18 December 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 2008 through to 30 June 2009.

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 2008/2009

Stations reported receiving a total of 908 written Code complaints during the period 1 July 2008 to 30 June 2009¹. This compares with 1248 in 2007/2008 and 914 in 2006/2007. On average, 908 complaints amounts to less than two (1.38) complaints per month, per station.

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

The largest number of complaints (53.7%) related to the classification of commercials, program promotions and light entertainment. The next most common category of complaints related to discrimination (12.8%) in a range of program genres including light entertainment, current affairs, comedy and reality. The third most common category of complaints related to commercial placement (10.9%) in programs. For further details refer to Appendices 1 to 3.

COMPLAINTS UPHELD BY STATIONS

Stations upheld 14 complaints in relation to 10 broadcast items during the period 1 July 2008 to 30 June 2009 (compared with 7 upheld complaints in relation to 6 program items during the period 1 July 2007 to 30 June 2008). They were:

1. There was one upheld complaint made in relation to a program promotion for *9am with David and Kim* (Network TEN), with a telephone sex line commercial being broadcast within the incorrect time zone. Network TEN acknowledged that this was a scheduling error and reviewed scheduling procedures.
2. There was one upheld complaint regarding *Californication* (Southern Cross TEN), as consumer advice was not broadcast for the program, classified MA. The network has acknowledged this was an accidental error and have since reviewed procedures.

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 complaints for a commercial for *Coke Zero* being broadcast during *Guerrilla Gardeners* (Network TEN). The complaint was made regarding inappropriate content and time zone, as the commercial featured nudity. The network acknowledged that this was an accidental scheduling error and staff have been reminded of obligations when broadcasting such material.
4. There were two upheld complaints made in relation to the broadcast of a telephone sex line commercial for *Adult Shop*, at 8.10pm, during the program *How to Look Good Naked*. The network (Southern Cross) acknowledged this was an accidental broadcast, and resolved that scheduling procedures would be reviewed. Staff would be reminded of obligations scheduling this type of material.
5. There were two upheld complaints regarding the broadcast of a community service announcement for *Adults Surviving Child Abuse* during the broadcast of the *Michael Hill NZ Open Golf Tournament*. The broadcaster (Network TEN) has acknowledged that this commercial contained inappropriate material for the time zone and they have reviewed the scheduling process.
6. There was one upheld complaint in relation to program promotions for *Friends* and *Rush*. The complaint was made in relation to incorrect classification symbols being broadcast for these promotions. Network TEN has provided staff training and a system review in relation to this.
7. There was one upheld complaint regarding *State Focus*, as a result of unclassified sequences broadcast during a movie review. The network (Southern Cross TEN) has identified that human error occurred in not correctly classifying this segment. Classification procedures are now being reviewed, with further staff training being initiated.
8. There were two upheld complaints relating to the broadcast of News and Current Affairs, for *TEN News at Five*. A news item, reporting gun ownership laws relating to 12 year olds was found to be inaccurate. Reporters and Producers were made aware of rules relating to firearms and their use by children.
9. There was one upheld complaint made in relation to material not suitable for broadcast in C and G classified time zones as a result of violence. The programs were *Totally Wild* and *Toasted TV*. Network TEN has resolved that as these programs were incorrectly placed, a system review will be conducted with additional staff training.

10. There was one upheld complaint in relation to the broadcast of inappropriate course language in a PG time zone, during the broadcast of *Video Hits*. The broadcaster (Network TEN) has acknowledged this was the result of an editing error and have reviewed their editing process.

COMPLAINTS REFERRED TO ACMA

In the year to 30 June 2009, ACMA considered 100 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA. This equates to 11% of the 908 Code complaints received by stations during the period 1 July 2008 to 30 June 2009. The small number of complaints referred to ACMA indicates that in 89% of cases viewers are satisfied with the station's investigation and response.

46 of the 100 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 2008 to 30 June 2009 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 2008 to 30 June 2009

	METRO		REGIONAL		TOTAL		Metro %	Regional %	% of Total
	Stations	Complaints	Stations	Complaints	Stations	Complaints			
ACT	0	0	1	32	1	32	0.0%	27.4%	3.5%
NSW	3	231	4	39	7	270	29.2%	33.3%	29.7%
NT	0	0	1	2	1	2	0.0%	1.7%	0.2%
QLD	4	211	1	21	5	232	26.7%	17.9%	25.6%
SA	3	61	2	6	5	67	7.7%	5.1%	7.4%
TAS	0	0	1	3	1	3	0.0%	2.6%	0.3%
VIC	3	229	2	13	5	242	29.0%	11.1%	26.7%
WA	2	59	1	1	3	60	7.5%	0.9%	6.6%
TOTAL	15	791	13	117	28	908	87.1%	12.9%	100.0%

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

1 July 2008 to 30 June 2009

	Bias/ Inaccuracy	Classification	Closed Caption	Commercial General	Commercial Placement	Commercial Time	Complaint Handling	Consumer Advice	Disclosure	Discrimination	Privacy	Upsetting Material	Total	%
Children	0	1	0	0	0	0	0	0	0	0	0	0	1	0.1%
Comedy	0	25	1	0	0	0	0	1	0	14	0	0	41	4.5%
Commercial	0	149	0	2	93	4	0	0	0	0	0	0	252	27.8%
Current Affairs	75	21	3	0	0	0	0	0	0	17	1	2	120	13.2%
Documentary	0	0	0	0	0	0	0	0	0	1	0	0	1	0.1%
Drama	0	54	3	1	0	7	0	3	0	3	0	0	71	7.8%
Information	0	1	0	0	1	0	0	0	0	0	0	0	2	0.2%
Light Entertainment	0	78	0	0	0	0	0	0	0	42	0	0	123	13.5%
Movie	0	15	0	1	1	2	0	0	0	0	0	0	19	2.1%
Music Video	0	5	0	0	0	0	0	0	0	0	0	0	5	0.6%
News	16	8	2	0	0	0	0	0	0	8	7	11	52	5.7%
Program Promos	1	95	0	0	2	0	0	0	0	10	1	1	110	12.1%
Quiz	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Reality	0	33	1	0	0	2	0	0	0	13	0	0	50	5.5%
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
Shopping Guide	0	0	0	0	0	2	0	0	0	0	0	0	2	0.2%
Sport	0	2	2	3	1	35	0	0	0	7	0	0	53	5.8%
Unspecified	0	1	1	0	1	2	0	0	0	1	0	0	6	0.7%
Total	92	488	13	7	99	54	0	4	0	116	9	14	908	100.0%
%	10.1%	53.7%	1.4%	0.8%	10.9%	5.9%	0.0%	0.4%	0.0%	12.8%	1.0%	1.5%	100.0%	

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

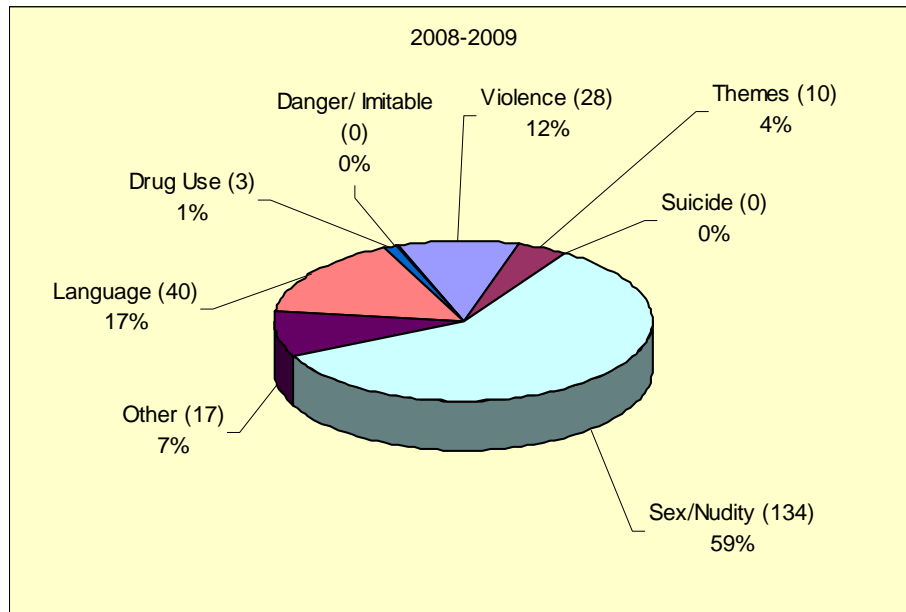
Appendix 2 Part (ii): Report on Classification

1 July 2008 to 30 June 2009

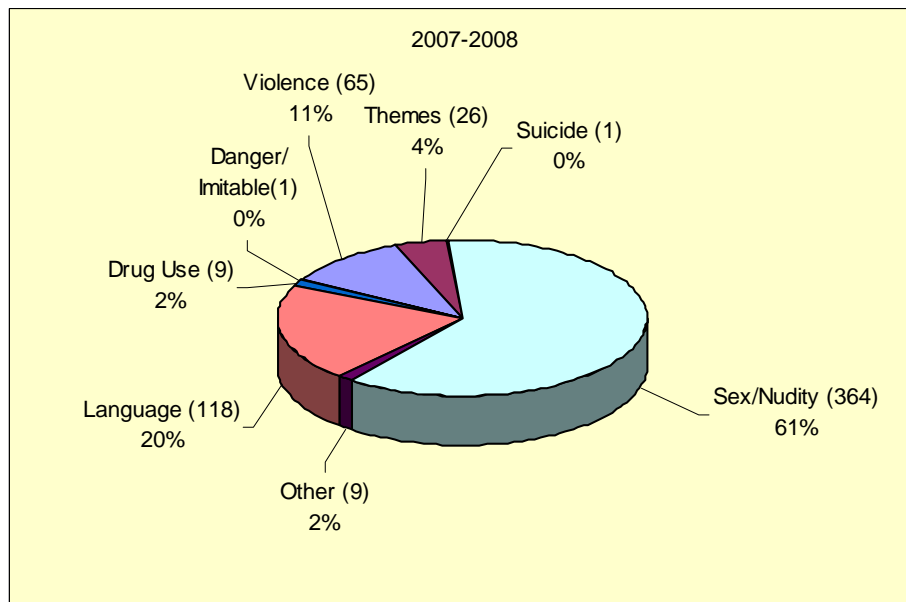
	G Zone	PG Zone	M Zone	MA Zone	AV Zone	Not Suitable for TV	Other	Total	%
Children	1	0	0	0	0	0	0	1	0.2%
Comedy	6	13	6	0	0	0	0	25	5.1%
Commercial	17	81	50	1	0	0	0	149	30.5%
Current Affairs	1	0	0	0	0	0	20	21	4.3%
Documentary	0	0	0	0	0	0	0	0	0.0%
Drama	4	27	14	3	0	6	0	54	11.1%
Information	0	1	0	0	0	0	0	1	0.2%
Light Entertainment	4	20	54	0	0	0	0	78	16.0%
Movie	0	8	4	2	0	0	1	15	3.1%
Music Video	0	5	0	0	0	0	0	5	1.0%
News	0	1	1	0	0	0	6	8	1.6%
Program Promos	26	61	2	0	0	0	5	94	19.3%
Quiz	0	0	0	0	0	0	0	0	0.0%
Reality	0	0	1	2	0	1	0	4	0.8%
Religion	0	0	0	0	0	0	0	0	0.0%
Sport	0	29	0	1	0	0	1	31	6.4%
Unspecified	0	1	0	0	0	0	1	2	0.4%
TOTAL	59	247	132	9	0	7	34	488	100.00%
%	12.1%	50.6%	27.0%	1.8%	0.0%	1.4%	7.0%	100.0%	

Appendix 2 Part (iii): Report on Classification Breakdown

1 July 2008 to 30 June 2009

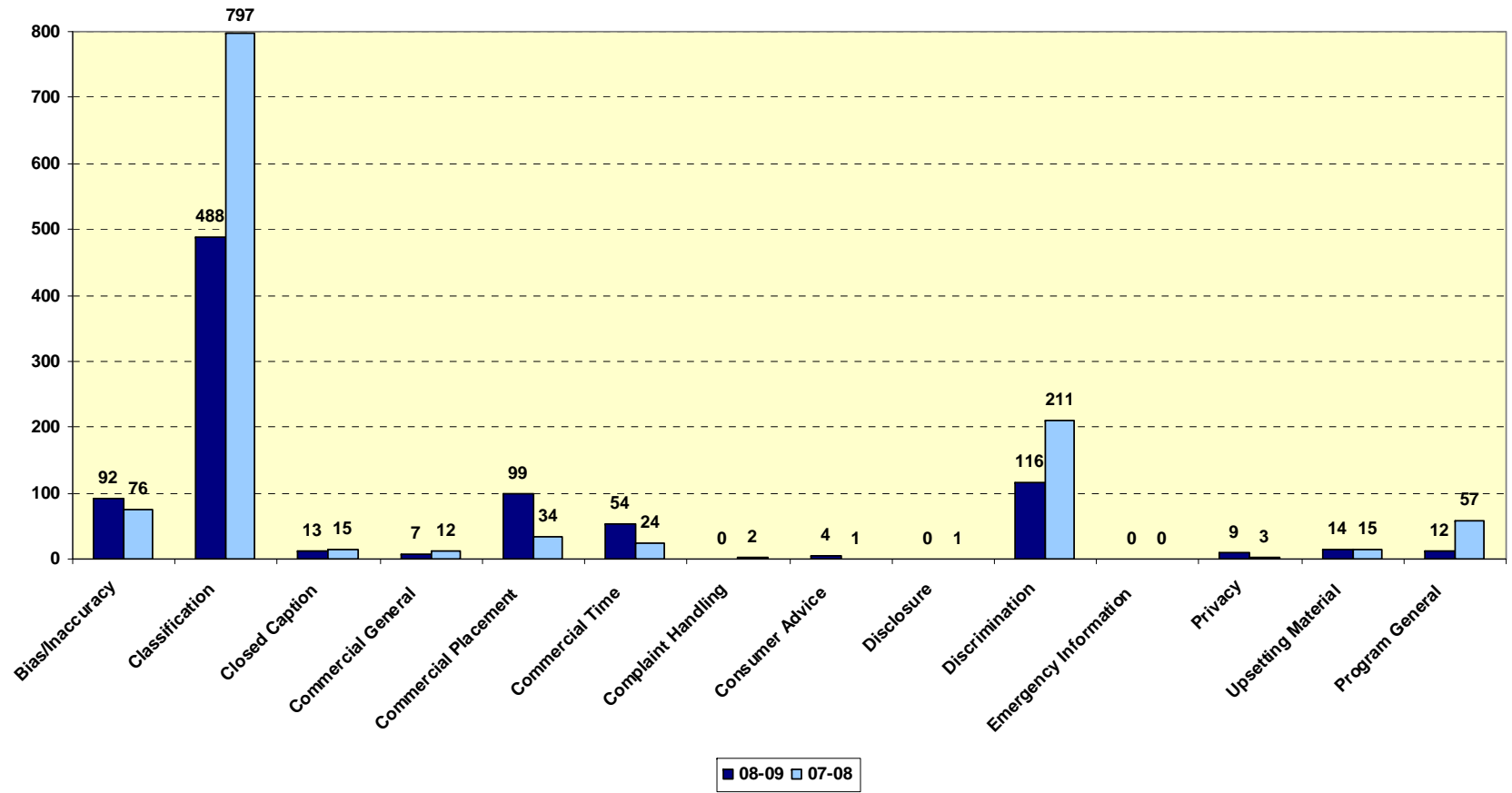


1 July 2007 to 30 June 2008



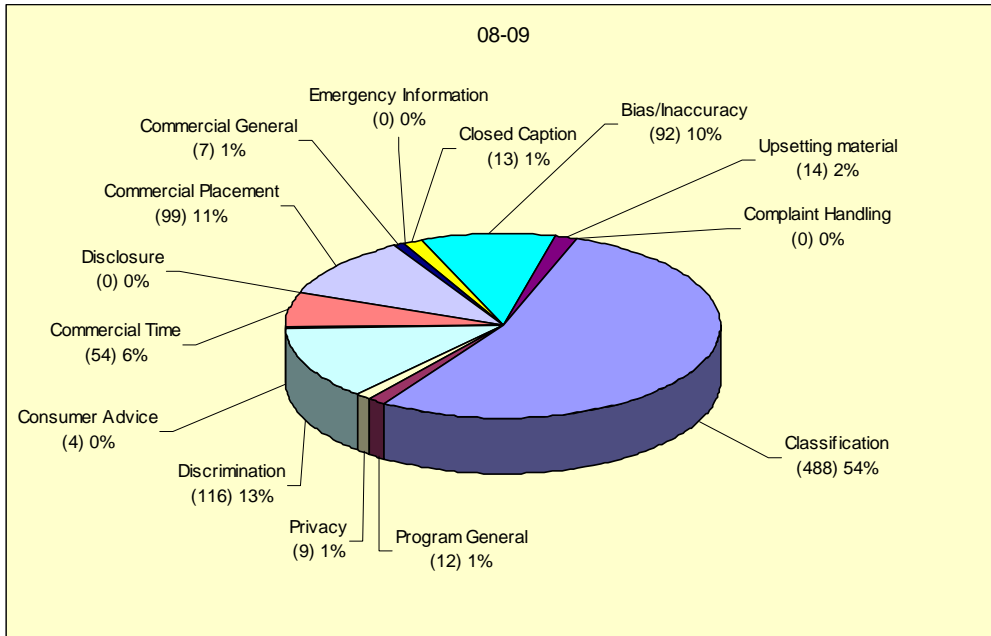
Appendix 3: Report on Main Complaint Numbers

1 July 2008 to 30 June 2009 vs 1 July 2007 to 30 June 2008

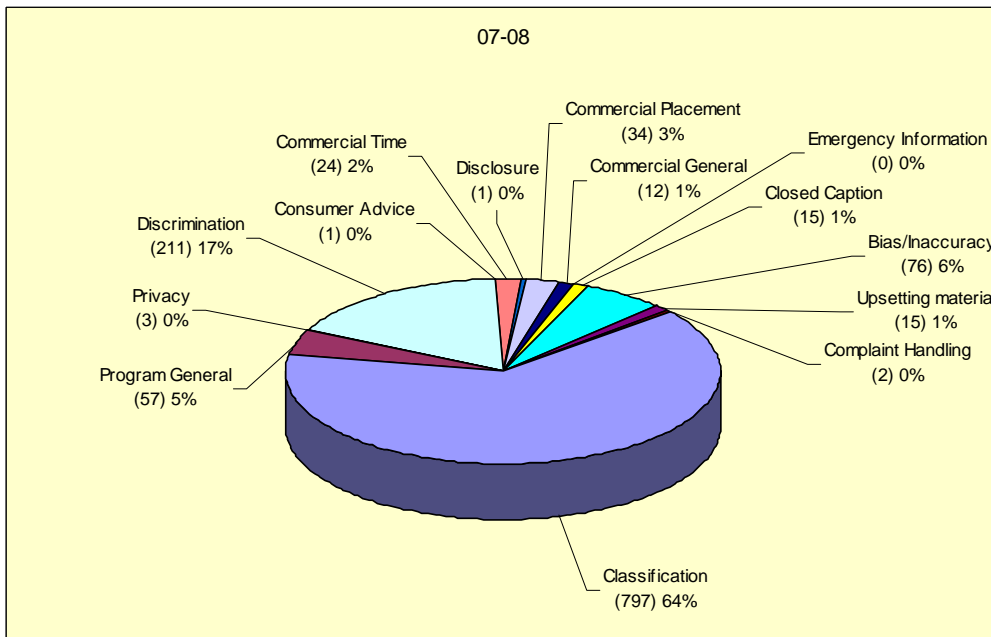


Appendix 3a: Report on Code Complaints by Category

1 July 2008 to 30 June 2009



1 July 2007 to 30 June 2008



Appendix 4: Code Complaints by Quarter

1 January 2000 to 30 June 2009

