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**COMMERCIAL TELEVISION INDUSTRY  
CODE OF PRACTICE**

**ANNUAL CODE COMPLAINTS REPORT**

**1 July 2005 to 30 June 2006**

**24 January 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 2005 through to 30 June 2006.

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 2005/2006

Stations reported receiving a total of 1,109 written Code complaints during the period 1 July 2005 to 30 June 2006.<sup>1</sup> On average this amounts to two complaints per month, per station.

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

The largest number of complaints (54.3%) related to the classification of program items. The next most common category of complaints related to discrimination (16.1%) in programs and program promotions. The third most common category of complaints related to bias and inaccuracy (10.1%) 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 95 complaints mostly concerning perceived bias and/or inaccuracy in reporting, graphic material considered to be inappropriate for the time zone and perceived discrimination in reporting.
- **Big Brother Uncut** (Network Ten) – there were 60 complaints mostly concerning sexual references and nudity considered inappropriate.
- **Seven Nightly News** (Seven Network) – there were 54 complaints mostly concerning perceived bias and inaccuracy in reporting, perceived discrimination in reporting and graphic images considered to be inappropriate.
- **Ten News at Five** (Network Ten) – there were 48 complaints mostly concerning perceived bias and inaccuracy in reporting and comments considered to be inappropriate for the time zone.

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<sup>1</sup> 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 Ronnie Johns Half Hour** (Network Ten) – there were 47 complaints mostly concerning perceived discrimination and language considered to be inappropriate.
- **Sunrise** (Seven Network) – there were 29 complaints mostly concerning content considered to be offensive, perceived bias in reporting, perceived discrimination and language considered inappropriate for the time zone.
- **Australia’s Funniest Home Video Show** (Nine Network) – there were 24 complaints mostly concerning nudity considered inappropriate for the time zone and the welfare of animals.
- **Home and Away** (Seven Network) – there were 23 complaints mostly concerning story lines considered inappropriate for the time zone and drug references.
- **60 Minutes** (Nine Network) – there were 21 complaints mostly concerning perceived bias and inaccuracy in reporting, language considered to be inappropriate and footage and other material considered to be offensive.

## COMPLAINTS UPHELD BY STATIONS

Stations upheld 38 complaints in relation to 16 broadcast items during the period 1 July 2005 to 30 June 2006 (compared with 86 upheld complaints in relation to 21 program items during the period 1 July 2004 to 30 June 2005). They were:

1. There were ten upheld complaints in relation to language used during the broadcast of the *NRL Grand Final* (Nine Network/WIN Television). The network agreed that language used during interviews with players was inappropriate. Live programming does not allow an opportunity for the broadcaster to delay vision and audio and there is no opportunity to warn viewers of potentially offensive language. However, the response to the viewer acknowledged that the network made an immediate on-air apology and the Nine Network, the Tigers Club and the NRL had issued official apologies the following day.

2. There were ten upheld complaints in relation to a Queensland Transport advertisement (Southern Cross Ten, Queensland and Network Ten, Brisbane). The stations agreed that the advertisement, which was classified 'M', was inappropriately placed as a result of human error. The stations have reviewed their operational procedures to guard against a similar future occurrence.
3. There were three upheld complaints in relation to an advertisement shown during the *Sound of Music* (Seven Queensland). The network agreed that the advertisement, which was classified 'M', was inappropriately placed as a result of human error.
4. There were two upheld complaints in relation to violence in the program *Monk* (Network Ten/ Southern Cross Ten). Although Network classifiers requested changes to an episode of *Monk* to allow it to be broadcast in the 'PG' time zone, due to a technical oversight, an unedited version of the program was broadcast. The Network has undertaken a review of technical systems and processes to guard against a similar recurrence.
5. There were two upheld complaints in relation to an inappropriately placed advertisement shown during *The Simpsons* (Southern Cross Ten Northern NSW). The network said that the advertisement, which was classified 'S', was inappropriately placed as a result of human error. The network has reviewed all telephone sex line advertisements on station to ensure the correct classifications have been applied. The network has also ensured that scheduling staff are aware of the consequences of such an error.
6. There was one upheld complaint concerning an inappropriately placed advertisement for *One Stop Entertainment "Maximum Bass"*, shown during *The Simpsons* (Southern Cross Ten Victoria). The network agreed that the advertisement, which was classified 'M', was inappropriately placed as a result of human error. The network has undertaken to review processes to guard against a similar recurrence.

7. There was one upheld complaint in relation to the placement of a program promotion for *House* shown during *The Simpsons* (Southern Cross Ten Victoria). Due to an administrative timing mistake, Network Ten provided the promotion to Southern Cross before the classification was finalised. This resulted in the program promotion being shown at the wrong time on Southern Cross before Network Ten advised Southern Cross of the correct classification.
8. There was one upheld complaint in relation to the placement of a program promotion for *A Current Affair* shown during *Jay Jay the Jet Plane* (WIN Tasmania). The network agreed the program promotion was inappropriately placed as a result of human error. The network has taken operational steps to ensure this does not happen again.
9. There was one upheld complaint in relation to the inappropriate placement of a commercial shown during *Cheez TV* (Southern Cross Ten Victoria). The network agreed the advertisement was inappropriately placed as a result of human error. The network has taken steps to guard against a similar recurrence.
10. There was one upheld complaint in relation to coarse language in a video clip shown on *Video Hits* (Network Ten). An unedited version of the video clip was shown as a result of human error. The network has retrained program producers in the classification protocol.
11. There was one upheld complaint in relation to an inappropriately placed commercial shown during *Ten News* (Southern Cross Ten). The network agreed the advertisement, which was classified 'M', was inappropriately placed as a result of human error. The network has undertaken a review of processes to guard against a similar recurrence.
12. There was one upheld complaint in relation to an incorrect statement made in an introduction to a segment on *Seven News* (Seven Network). The network said that the lead-in statement for a story on a cervical cancer vaccine, which incorrectly stated that the vaccine was a cure, resulted from an error in scripting. The network did not intend to mislead viewers. The actual story on the vaccine contained the correct information. The network will work to ensure that such errors do not occur again.

13. There was one upheld complaint concerning a news bulletin shown during *Rove Live*, (Network Ten). The news bulletin includes footage of a deceased person in New Orleans. There was no warning to viewers during the news bulletin of the potentially distressing image. The full news report did include a warning for viewers. The network has brought this to the attention of the Bulletin Producer to emphasise the need for care with footage in news updates.
14. There was one upheld complaint in relation to an Angus Smith Marine “Evinrude” boat advertisement shown during *Rugrats* (Southern Cross Ten, Queensland). The station agreed that the advertisement, which was classified ‘M’, was inappropriately placed as a result of human error. The error was corrected to ensure that the advertisement will be broadcast in the correct time in future, and the station agreed to take precautions to guard against a similar error in the future.
15. There was one upheld complaint in relation to a Fun Box advertisement shown during *The Grinch* (Southern Cross Ten, Northern NSW). The station agreed that the advertisement, which was classified G with extra restrictions on placement after 8.30pm was inappropriately placed as a result of human error. The program, *The Grinch*, was classified incorrectly and this error resulted in the advertisement being broadcast in an inappropriate time zone. The station has reviewed its scheduling operational procedures to guard against a similar recurrence.
16. There was one upheld complaint in relation to Ten News story on a Choice survey of diet pills (Network Ten). The story included footage of a product which was not included in the Choice survey being reported. The network agreed that the footage was used incorrectly, apologised for the error and took steps to ensure that the footage would not be used in subsequent stories.



## COMPLAINTS REFERRED TO ACMA

In the year to 30 June 2006, 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 less than 6% of the 1,091 Code complaints received by stations during the period 1 July 2005 to 30 June 2006. The small number of complaints referred to ACMA indicates that in 94% of cases viewers are satisfied with the station's investigation and response.

Less than half of the complaints referred to ACMA (13) were upheld.

Further analysis of complaints received by stations during the period 1 July 2005 to 30 June 2006 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 2005 to 30 June 2006

	METRO		REGIONAL		TOTAL		Metro %	Regional %	% of Total
	Stations	Complaints	Stations	Complaints	Stations	Complaints			
ACT	0	0	1	44	1	44	0.0%	22.4%	4.0%
NSW	3	322	8	61	11	383	35.3%	31.1%	34.5%
NT	0	0	1	1	1	1	0.0%	0.5%	0.1%
QLD	4	195	2	39	6	234	21.4%	19.9%	21.1%
SA	3	94	2	3	5	97	10.3%	1.5%	8.7%
TAS	1	9	2	9	3	18	1.0%	4.6%	1.6%
VIC	3	225	5	30	8	255	24.6%	15.3%	23.0%
WA	3	68	4	9	7	77	7.4%	4.6%	6.9%
<b>TOTAL</b>	<b>17</b>	<b>913</b>	<b>25</b>	<b>196</b>	<b>42</b>	<b>1109</b>	<b>82.3%</b>	<b>17.7%</b>	<b>100.0%</b>

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

1 July 2005 to 30 June 2006

	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	4	0	0	1	1	0	0	0	1	0	0	0	7	0.6%
Comedy	0	53	1	0	3	1	0	0	0	39	0	2	14	113	10.2%
Commercial	0	47	0	6	16	2	0	0	0	0	0	7	0	78	7.0%
Current Affairs	61	20	0	0	0	1	0	0	0	45	10	0	21	158	14.2%
Documentary	0	5	0	0	0	0	0	0	0	0	0	0	0	5	0.5%
Drama	0	84	1	0	4	14	0	1	0	13	0	0	0	117	10.6%
Information	0	5	0	0	0	1	0	0	1	0	0	0	0	7	0.6%
Light Entertainment	0	20	0	0	0	0	0	0	0	2	0	0	0	22	2.0%
Movie	0	57	0	1	3	5	0	0	0	3	0	0	0	69	6.2%
Music Video	0	10	0	0	0	0	0	0	0	0	0	1	0	11	1.0%
News	50	23	0	0	0	0	1	0	0	18	16	1	35	144	13.0%
Program Promos	0	97	0	0	0	0	0	0	0	31	0	0	2	130	11.7%
Quiz	0	1	0	0	0	0	0	0	0	1	0	0	0	2	0.2%
Reality	0	111	0	0	0	0	0	0	0	2	0	0	0	113	10.2%
Shopping Guide	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0.1%
Sport	0	25	0	0	2	2	0	0	0	6	0	1	0	36	3.2%
Unspecified	1	18	2	16	5	8	0	0	0	5	0	0	4	59	5.3%
Variety	0	22	0	0	0	2	0	1	0	12	0	0	0	37	3.3%
<b>Total</b>	<b>112</b>	<b>602</b>	<b>4</b>	<b>23</b>	<b>34</b>	<b>38</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>178</b>	<b>26</b>	<b>12</b>	<b>76</b>	<b>1109</b>	<b>100.0%</b>
<b>%</b>	<b>10.1%</b>	<b>54.3%</b>	<b>0.4%</b>	<b>2.1%</b>	<b>3.1%</b>	<b>3.4%</b>	<b>0.1%</b>	<b>0.2%</b>	<b>0.1%</b>	<b>16.1%</b>	<b>2.3%</b>	<b>1.1%</b>	<b>6.9%</b>	<b>100.0%</b>	

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

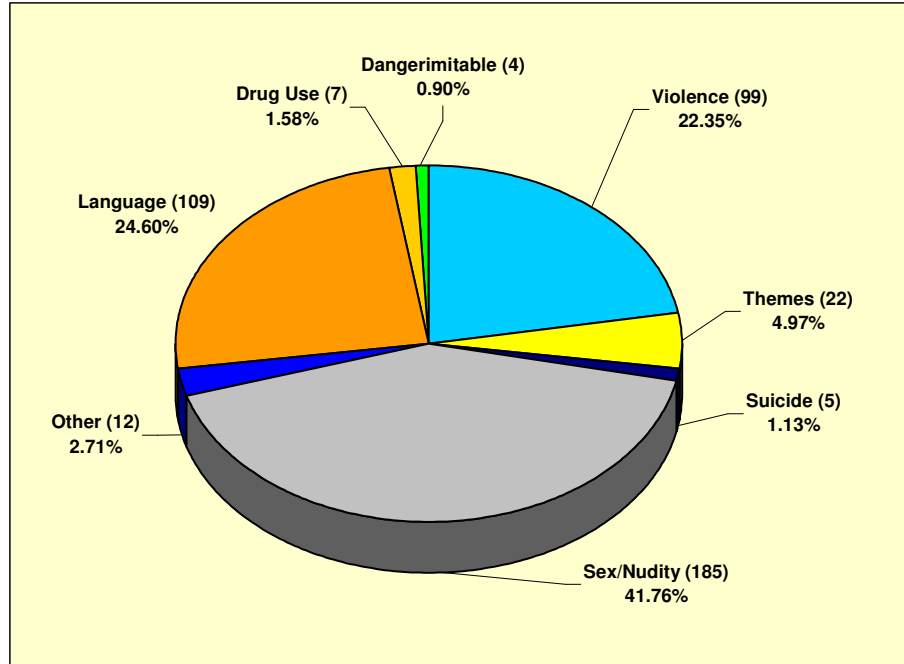
## Appendix 2 Part (ii): Report on Classification

1 July 2005 to 30 June 2006

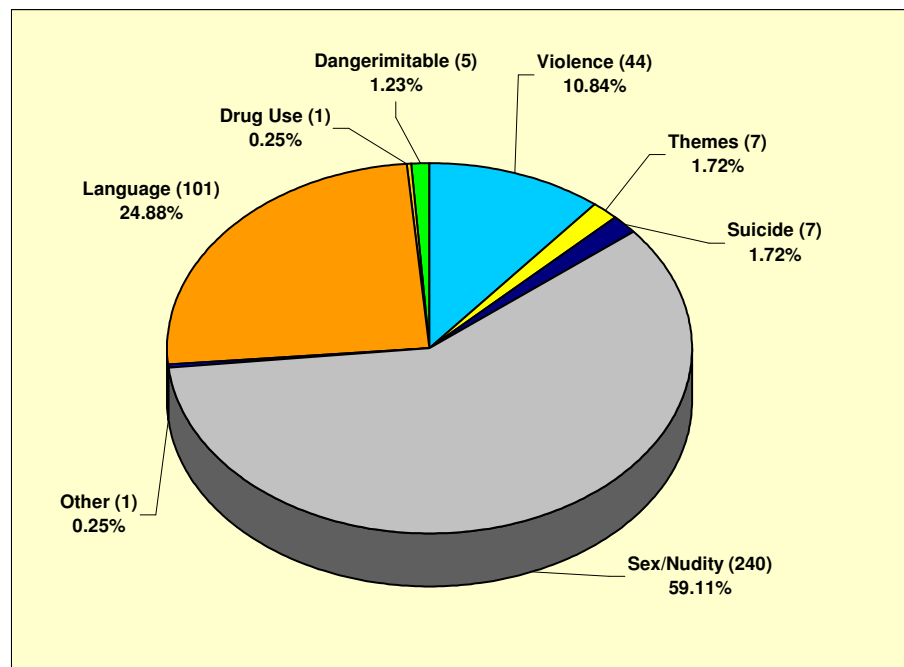
	G Zone	PG Zone	M Zone	MA Zone	AV Zone	Not Suitable for TV	Other	Total	%
Children	3	1	0	0	0	0	0	4	0.7%
Comedy	19	14	11	5	0	1	3	53	8.8%
Commercial	9	13	6	15	4	0	0	47	7.8%
Current Affairs	7	1	2	0	0	0	10	20	3.3%
Documentary	1	1	0	2	0	0	1	5	0.8%
Drama	13	44	22	1	1	0	3	84	14.0%
Information	4	0	0	0	0	0	1	5	0.8%
Light Entertainment	4	9	3	1	0	0	3	20	3.3%
Movie	0	6	35	6	2	0	8	57	9.5%
Music Video	6	1	1	0	0	0	2	10	1.7%
News	2	2	0	0	0	0	19	23	3.8%
Program Promos	41	47	3	1	0	0	5	97	16.1%
Quiz	1	0	0	0	0	0	0	1	0.2%
Reality	2	41	1	67	0	0	0	111	18.4%
Sport	4	5	1	0	0	1	14	25	4.2%
Unspecified	8	0	1	1	1	2	5	18	3.0%
Variety	2	19	1	0	0	0	0	22	3.7%
<b>TOTAL</b>	<b>126</b>	<b>204</b>	<b>87</b>	<b>99</b>	<b>8</b>	<b>4</b>	<b>74</b>	<b>602</b>	<b>100.00%</b>
<b>%</b>	<b>20.9%</b>	<b>33.9%</b>	<b>14.5%</b>	<b>16.4%</b>	<b>1.3%</b>	<b>0.7%</b>	<b>12.3%</b>	<b>100.0%</b>	

**Appendix 2 Part (iii): Report on Classification Breakdown**

**1 July 2005 to 30 June 2006**

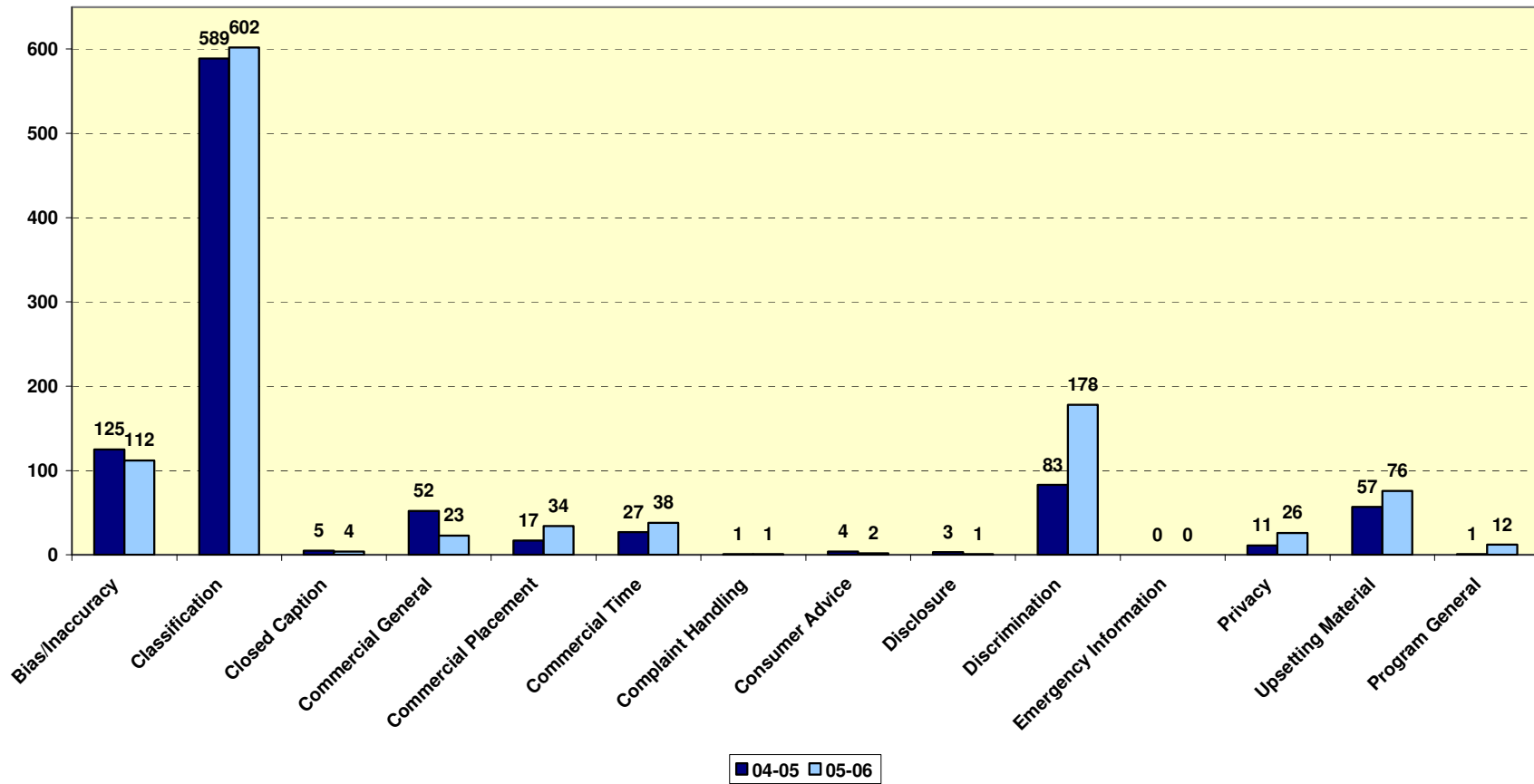


**1 July 2004 to 30 June 2005**



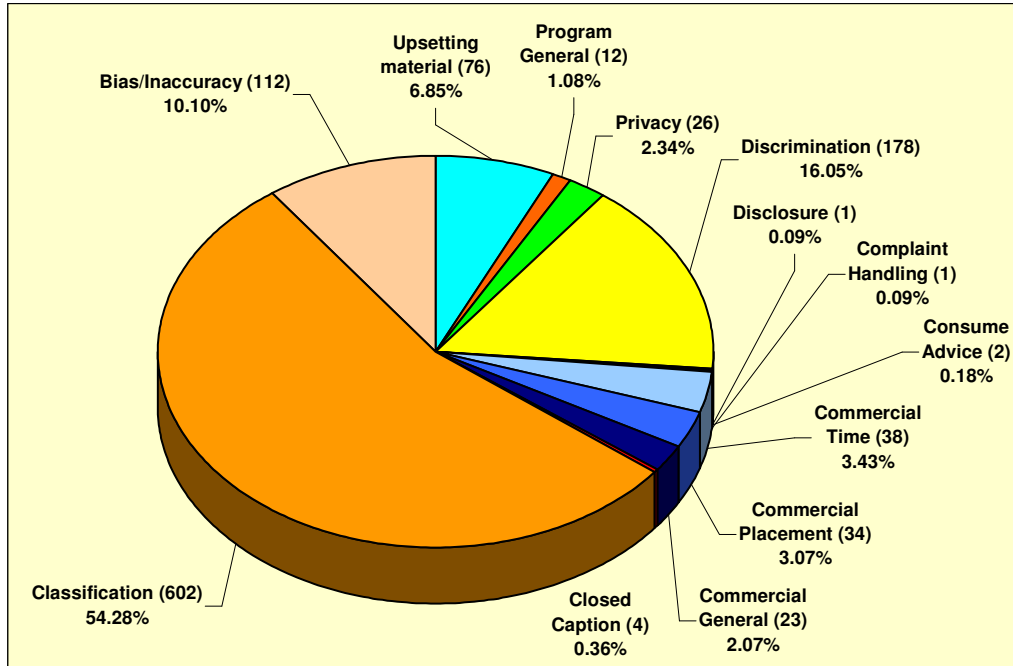
### Appendix 3: Report on Main Complaint Numbers

1 July 2005 to 30 June 2006 vs 1 July 2004 to 30 June 2005

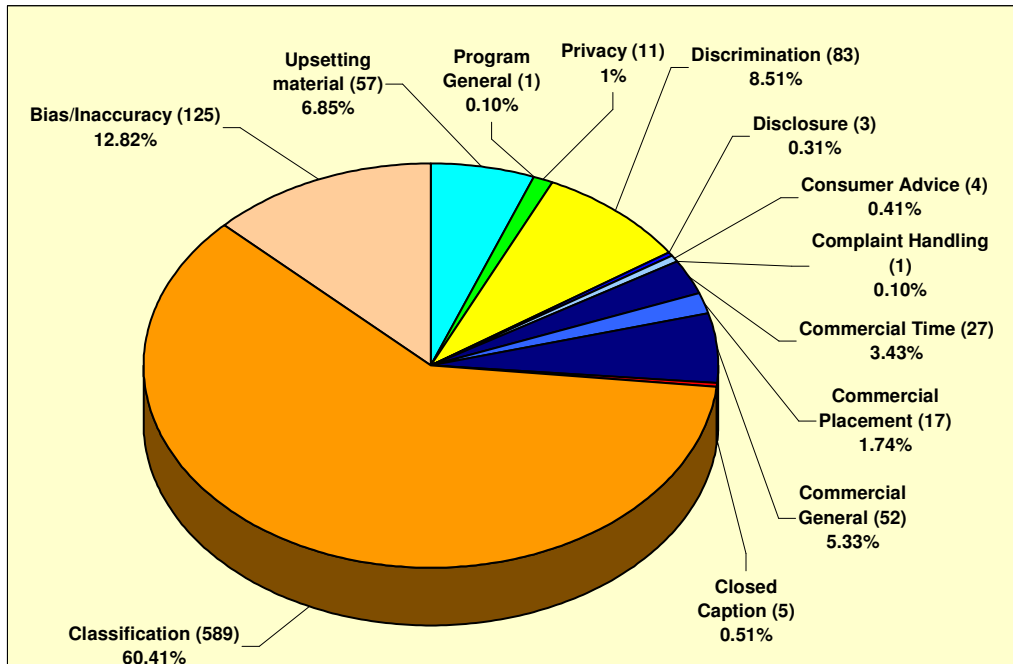


## Appendix 3a: Report on Code Complaints by Category

1 July 2005 to 30 June 2006



1 July 2004 to 30 June 2006





## Appendix 4: Code Complaints by Quarter

1 January 2000 to 30 June 2006

