

## Question 1 (Senator Crossin, p. 21 of *Hansard*) – Number of complaints

**Mr Meagher**—...We have an internal complaints mechanism and then we have oversight by the ACMA and that seems to work very well. *In terms of the number of complaints in relation to classification matters, since 1999, which is the last list, we have had four breaches upheld by the ACMA in relation to classification.*

**Senator CROSSIN**—*Out of how many?*

**Mr Meagher**—I would have to take that on notice.

ABC Answer:

The ABC's Audience and Consumer Affairs database contains reliable data from 2002. It should be noted that complaints are logged according to concerns raised by complainants, which means that the figures provided, whilst capturing classification matters, include a broader range of issues.

Between January 2002 and May 2011, there were:

- 3,252 complaints logged with the ABC which alleged that Television content was inappropriate.
- 82 of these complaints were upheld for inappropriate Television content.

Multiple complaints can be received about a single piece of content and, if upheld, this results in multiple breaches being recorded. If these are excluded, there were:

- 49 breaches recorded internally for separate items of content over the period.

This includes complaints upheld because programs were incorrectly classified, because inadequate consumer advice was provided, or because scheduling errors were made (such as the wrong version of a program inadvertently going to air, or a program broadcast without classification and or consumer advice due to oversight).

- 28 complaints about classification of Television content were referred to ACMA/ABA
- 6 of those complaints were upheld by ACMA

## Question 2 (Senator Barnett, p. 26 of *Hansard*) – Codes of Practice

**CHAIR**—...*In terms of the codes*, I have ASTRA here, for which I am thankful. *I do not have the ABC and SBS.*

<http://www.abc.net.au/corp/pubs/documents/codeofpractice2011.pdf>

### Question 3 (Senator Barnett, p. 26 of *Hansard*) – Response to 2008 Senate Environment, Communications and the Arts inquiry

**CHAIR**—In terms of *the Senate committee inquiry into the sexualisation of children*, which was held a couple of years ago now, *did you respond to that inquiry and if so how did you do that? If you did not, that is fine. I am just clarifying whether you responded in any way at all to that Senate committee report and recommendation.*

**Mr Brealey**—I am unaware whether we did. It was before my time. But I can find out.

**CHAIR**—*Could you just take that on notice and check. And if you did respond please give us some details in terms of what you did.*

The ABC did not make a submission.

### Question 4 (Senator Barnett, p. 26 of *Hansard*) – Numbers of complaints

**CHAIR**—*Going to SBS, you said there were about 40 to 60 complaints per annum.*

**Mr Meagher**—I will have to take that on notice.

**CHAIR**—*Yes, can you clarify that for us.*

Between January 2002 and May 2011, there were:

- 3,252 complaints logged with the ABC which alleged that Television content was inappropriate

It should be noted that complaints are logged according to concerns raised by complainants, which means that the figures provided, whilst capturing classification matters, include a broader range of issues.

- 28 complaints about classification of Television content were referred to ACMA/ABA
- 6 of those complaints were upheld by ACMA

### Question 5 (Senator Barnett, p. 27 of *Hansard*) – Breaches of codes

**CHAIR**—I do not have the annual report with me, but *can you provide details of the breaches: how many and the circumstances of the breaches, and what happened in each case?*

**Mr Meagher**—*In terms of the classification breaches?*

**CHAIR**—Yes. *Do you know how many there are?*

**Mr Meagher**—I have a list here going back to 1999. There have been four where the ACMA has found that we breached the codes.

**CHAIR**—*But what about the internal ombudsman?*

**Mr Meagher**—I do not have that list with me but I can find it.

**CHAIR**—Thank you.

Please refer to the answer to question 1.

Between January 2002 and May 2011, there were:

- 49 breaches recorded internally for separate items of content over the period.

As noted above, this figure, whilst capturing classification matters, includes a broader range of content issues.

## **Question 6 (Senator Barnett, p. 27 of *Hansard*) – Research into usage of new technologies**

**CHAIR**—... Going to the issue of research, we had *Screen Australia tell us about the three hours per day for the average Australian to watch TV. Do you have any research to corroborate that? Or do you have any information that it is anything different in terms of screen watching, or any other research that might assist the committee in terms of this technological world that we are living in?...*

**CHAIR**—... *Do you have any details of research regarding other technologies, let us say, computers, internet, computer games and usage time?*

...**Mr Meagher**—We could have a look. The major accounting firms, Deloitte and PwC and people like that, regularly produce that sort of data....

**CHAIR**—... If you have *any further particulars regarding usage by the average Australian and also by children of the different platforms, that would be of interest to our committee.*

**Mr Meagher**—We will have a look and see what we have got. There is some material.

The ABC subscribes to the *Nielsen Online Home and Work Panel* data, which provides insights on internet usage generally and metrics, such as reach, for all major online publishers & their main websites. These data are reported monthly and are available from Nielsen on a range of terms and fees. Additionally, the ABC has purchased from Nielsen the syndicated annual research report entitled *The Australian Online Consumer*. The most recent of these reports was released in February 2011 and is also available from Nielsen.

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## Question 7 (Senator Barnett, p. 28 of *Hansard*) – Points of difference between the Code of practice and the Classification Guidelines

**CHAIR**—...I want to go to the ABC, *in terms of your code of practice. It is based on the guidelines for the classifications of film and computer games but there are important differences and, according to page 1 of your submission, that reflects the ABC's independence as a public broadcaster.* So I am thinking to myself *how can the ABC's independence as a public broadcaster qualify you to and allow you to be slightly different? Why is that?*

**Mr Brealey**—As Mr Meagher said before, it is in our legislation to be independent in editorial content matters. Part of that is being able to make decisions around our content that we know suits our audience and that we think are the most appropriate for our audience and for the ABC.

**CHAIR**—*Have you got an example?*

**Mr Brealey**—As we were saying before, some of the ways in which content is assessed by the board is on the basis of DVD sets. We look at individual programs. We will cut them down or edit them where we think it would be appropriate for our audiences to do that. In that case we have quite different circumstances around the sorts of content we broadcast in some cases and we need to be flexible enough to deal with those.

**CHAIR**—*Can you give me any specific examples or can you take them on notice?*

**Mr Brealey**—Of where we have differed?

**CHAIR**—Yes.

**Mr Brealey**—I will take it on notice.

The ABC Act and specifically the Charter require that the ABC provide an independent broadcast service. Further it is one of the responsibilities of the Board to maintain the independence of the Corporation. One way in which this independence is maintained is through the drafting and lodgement of a Code of Practice with the Australian Communications and Media Authority (ACMA). The Code sets out the provisions applying to classifications matters.

There are a number of factors that may lead to variation in classification between the ABC and the Classification Board. These differences do not necessarily come about as a result of either the Classification Board or the ABC making an error. Differences in approach may be due to the differences in presentation, transmission medium, timeslots, intended audience and context may lead to marginally different classification outcomes.

For example the Classification Board applies an “impact test” which the ABC does not. The Board applies the impact test in assessing a range of content including games. The ABC does not assess games. For the classification of TV content the ABC and its audiences are best served by the standards described in its Code which codify a more objective approach.

In addition the Classification Board often classifies television programs as part of a series for DVD box set releases. There can be a cumulative impact to elements across many episodes that may alter the classification which is then applied to the whole series. The ABC classifies each program individually and can customise a program by editing and/or by providing relevant consumer advice.

In providing examples of different classifications of programs it should be noted that the content classified by the Board may not be the same material viewed by the ABC. Often there is more than one version of a program or film in existence and subtle differences can alter the classification given. Examples include:

*Wind in the Willows*, (BBC made for television version). This was classified G by the ABC and PG by the Classification Board.

*The Veronicas: Revenge Is Sweeter Tour: Live In Australia*. The ABC classified ‘M; Coarse language’ and the Classification Board classified ‘PG; Mild coarse language’.

*Saddle Club*. The ABC classified G and the Classification Board classified PG.

*Grizzly Tales for Gruesome Kids*. The ABC classified PG and the Classification Board classified G.

*Dance Academy*. The ABC classified G and the Classification Board classified PG.

## **Question 8 (Senator Barnett, p. 28 of *Hansard*) – Complaint by FamilyVoice Australia**

**CHAIR**—We had evidence from *Family Voice Australia*. *They told the committee about a complaint made against the ABC which was upheld by ACMA regarding the ABC incorrectly classifying a program.* That is in the committee *Hansard* of 25 March at page 78. You might not have had a chance to have a look at it. If not, could I ask you to do so. *According to the witness, nothing happened as a result. So I am wondering if you could perhaps respond to us* on that on notice if it does not come to mind straight away.

**Mr Brealey**—I do not know which program specifically so we will take that on notice.

The episode “Magdalene 26” of the series *Waking the Dead* was found by ACMA to have been incorrectly classified as M by the ABC. The ABC has reclassified this episode of *Waking the Dead* as MA15+ for future broadcasts. ACMA’s report on the breach decision has been circulated to ABC TV Management and to Classifiers.

## **Question 9 (Senator Barnett, pp 29-30 of *Hansard*) – Complaint in relation to Bill Henson documentary**

**CHAIR**—I want to go back to the ABC, on artistic merit and the classification of works of art. **In your submission you refer to the Henson photographs and the fact that you put on a documentary after all that.** It sounds like that was quite provocative. Would you agree with that?

**Mr Brealey**—Airing the program was provocative?

**CHAIR**—Yes.

**Mr Brealey**—Given that *we only had one complaint*, I do not know that I would characterise it as provocative.

**CHAIR**—*And what happened to that complaint?*

**Mr Brealey**—I do not know but I think that it was not upheld. I would have to get back to you on that.

**CHAIR**—*Would you check that and provide further particulars regarding the complaint and what the outcome was?*

The ABC received two complaints. One was prior to broadcast of the program questioning the merits of showing such a program from a viewer “upset that the ABC is going to promote this sick man”. The response to the complainant advised that the ABC did not intend to endorse photographer Bill Henson’s 2007-2008 exhibition in Sydney and that scheduling the program would enable members of the ABC audience to form their own opinions as to the artistic merit of Mr Henson’s work. The complaint was not investigated.

The other complaint was from a viewer “appalled to see the images portrayed in the segment on Bill Hensen [sic]”. It was investigated and the program was found to have been correctly classified PG, and was preceded by viewer advice warning that it contained nudity. It was scheduled in the 10:00pm Tuesday timeslot, a late night timeslot which generally featured arts programming. The complaint was not upheld.

## **Question 10 (Senator Barnett, p. 30 of Hansard) – Complaints in relation to *Rage***

**CHAIR**—On the issue of the classification of music videos,...—and *Rage* is one that comes to mind...

**Mr Brealey**—...I think *in the last 12 months Rage has had about 24 complaints on the basis of its content*. To put that in context, it is probably less than two per cent of the total complaints about content. I do not think any of those escalated to ACMA.

**CHAIR**—*Can you, again on notice, give us some details with regard to the complaints, the nature of the complaints and what has happened to those complaints—where they went and how they have been dealt with?*

In the last twelve months there were 24 complaints of inappropriate content in *rage*. They were comprised of:

15 about sex and sexuality

5 about violence

2 about coarse language;

2 about poor taste/bad example

22 of the complaints were about 16 separate video clips and two complaints were non-specific (hence in total there were 18 complaints about separate items of content).

18 complaints were investigated by Audience and Consumer Affairs; none were upheld. None were referred for review.

## **Question 11 - (Senator Crossin, p. 31 of *Hansard*) – FamilyVoice Australia’s submission**

**Senator CROSSIN**—I ask you—...—to take on notice to *have a look at FamilyVoice Australia’s submission. Have a look at the song and the words of that song and let us know what sort of classification your areas would apply to that*, because they highlight that to us as one example where that song/video has not been subject to the National Classification Scheme but was still broadcast on air, as I understand it.

The two songs included in the FamilyVoice Australia submission: “Stripped, raped and strangled” (from the album 15 Year Killing Spree) by Cannibal Corpse and: “The Corpse Garden” (from the album Left in Grisly Fashion) by Prostitute Disfigurement have not been broadcast on the ABC TV.

It is not possible to provide classification advice on a music clip without viewing all elements of the clip including the visual component. This is because other elements may increase or lessen the impact of the clip overall.

## **Question 12 (Senator Barnett, p. 31 of *Hansard*) – Complaints in relation to music videos**

**CHAIR**—AMRA and ARIA noted when they presented to us in Canberra that their complaints regarding music videos were not actionable under their code. Senator Crossin covered this. You are saying it is a small percentage, but *can we get some details of the complaints that you do get about these music videos and the nature of the complaints?* I presume they are about sexualisation of kids and objectification of women.

...

**CHAIR**—Yes, *just some overview details would be fine*. I do not want you to go back forever, but *just a little, a year or two, would be fine—and give us a feel for the nature of that*.

**Mr Brealey**—And I would assume that *there would be a proportion about language as well*.

**CHAIR**—Yes. Certainly, in the lyrics in the FamilyVoice Australia submission, the language was—it was written down, and you will see in the submission that it was certainly offensive, I think, to a lot of people.

[Please refer to the answer to question 10.](#)