

Recommendations

Recommendation 1

The Committee recommends that, no later than the end of 2010, the government considers a review of ACMA, with a focus on ACMA's role in the broadcasting co-regulatory system, to determine if ACMA is effectively working with relevant industry bodies to maintain a fair balance in Australia's broadcast media.

Recommendation 2

The Committee recommends that the provision of parental lock-out become an industry standard for digital televisions sold in Australia. The Committee also recommends that the feasibility of using datacasting to provide a more detailed description of program content and the reasons for a program's rating which could be accessed by the viewer.

Recommendation 3

The Committee recommends that ACMA investigate whether the inclusion of additional age-specific symbols in the G and PG categories offer any advantages over the current system.

Recommendation 4

Each industry code of practice should clarify terms used for classification and consumer advice as much as is practicable (eg. 'occasional', 'some' and 'frequent'). Codes should also contain a clear discussion on the principles for classification, such as 'impact', that may be used to determine a program's classification.

Recommendation 5

The Committee recommends that ACMA and Free TV Australia investigate, as part of the current review of the Commercial Television Code of Practice, the issue of the appropriateness of the current evening time zones having regard to claims of changed patterns of television usage by children.

Recommendation 6

The Committee does not wish to tell television stations what they should or should not include in news and current affairs programming. However it recommends that ACMA, in consultation with broadcasters, review the sections of the Classification Code applying to news and current affairs programming, with regard to the use of graphic and disturbing imagery and excerpts from M or higher rated programs in news and current affairs broadcasting in early evening time zones.

Recommendation 7

Free-to-air television stations should show the classification watermark throughout program promotion to increase viewer awareness of the classification of the program being promoted.

Recommendation 8

The Committee recommends that television broadcasters should give consideration to permanently displaying the classification symbol of a program on screen along with the letters indicating which classifiable elements are present in the program. The Committee believes that there is scope for broadcasters to place this information next to watermarks, which are now displayed by all free-to-air stations.

Recommendation 9

The electronic programming guide on digital free-to-air television stations should contain the classification of the program being viewed and the consumer advice relevant to the program.

Recommendation 10

The Committee recommends that ACMA, in consultation with industry bodies for radio, considers implementing the use of verbal warnings in their next codes of practice.

Recommendation 11

The Committee recommends that all free-to-air commercial television stations should maintain a log of all telephone complaints received, including a short summary of the complaint, and provide that log to Free TV Australia and ACMA.

Recommendation 12

All broadcasters should amend their codes of practice and website capabilities to allow viewers to make complaints about the code by email or electronically. Email and electronic complaints about code-related issues should receive the same response as a written complaint.

Recommendation 13

Similarly worded complaints received by email, electronically or in writing may receive a standard written response from the broadcaster following notification to, and approval by, ACMA.

Recommendation 14

Codes of practice should contain a formal undertaking by broadcasters that they will direct complainants as appropriate. Industry bodies and ACMA should ensure that their staff are aware of how to re-direct complaints received in error and inform complainants where this occurs.

Recommendation 15

The Committee recommends that, by the time of the next triennial review of free-to-air television codes of practice, broadcasters should seek to respond to all complaints received within 15 working days.

Recommendation 16

Each broadcaster should have a nominated complaints officer within the organisation whose sole role it is to respond to complaints. The officer should be separate from the program production and scheduling sections and from the area responsible for classifying or rating programs. Officers should receive relevant training in the appropriate code of conduct and complaint management. The contact details of the complaints officer should be published on the website of the broadcaster, industry body and ACMA.

Recommendation 17

Broadcasters should ensure that responses to complaints are comprehensive, deal with the substantive issue and are courteous in tone.

Recommendation 18

ACMA should develop a practice of testing compliance with standards and codes of practice by conducting investigations into a sample of programs that may, in its opinion, raise issues with regard to the appropriateness of the classification received.

Recommendation 19

In the event that SBS or the ABC fails to comply with an ACMA recommendation within a 14 days period of receiving such a recommendation, ACMA should automatically provide a report to the Minister on the matter.

Recommendation 20

ACMA should limit its use of unenforceable undertakings from broadcasters in relation to a breach of the code. The second time that a broadcaster is found to be in breach of the same part of the code within the duration of its code of practice, ACMA should use its existing powers to impose additional conditions on a license of the broadcaster. In the event of subsequent breaches, ACMA should use its powers to:

- **Pursue a civil penalty;**
- **Refer the matter for prosecution as an offence;**
- **Suspend or cancel the license; or**
- **Impose an enforceable undertaking.**