

Australian Broadcasting Corporation

**Submission to the Senate Standing Committee on Environment,
Communications and the Arts**

Inquiry into the effectiveness of the broadcasting codes of practice

May 2008



Introduction

The ABC welcomes this opportunity to make a submission to the Senate Environment, Communications and the Arts Committee inquiry into the effectiveness of the broadcasting codes of practice.

The ABC seeks to provide innovative and comprehensive broadcasting services of a high standard, and to broadcast programs that contribute to a sense of national identity and inform and entertain. The Corporation also seeks to reflect the cultural diversity of the Australian community and encourage and promote the musical, dramatic and other performing arts in Australia. ¹

The ABC manages its content in television, radio and online through its Code of Practice and Editorial Policies. While recognising there are a range of views in the community on matters such as coarse language in broadcast content, the ABC believes its current policies, including effective classification, appropriate consumer warnings, awareness of target audience and context, and a rigorous complaints system, appropriately address community attitudes about what content should be broadcast. The ABC's Code of Practice operates effectively and allows flexibility for the Corporation to fulfil its obligations to a diverse Australian community.

Terms of Reference

a. the frequency and use of coarse and foul language (swearing) in programs

Managing Content Issues

A key concept underlying the management of content on all ABC platforms is that of the *target audience* and *context*.

The ABC has developed a Code of Practice relating to programming matters and notified this to the Australian Communications and Media Authority (ACMA). The Code summarises the main principles of the ABC's Editorial Policies. Adherence to the Editorial Policies is mandatory for content makers. The Code applies to ABC

¹ *Australian Broadcasting Act 1983*, Section 6(1)

Radio, Television and Online and other emerging media services, although some sections apply specifically to a particular medium (see television program classifications detailed under Term of Reference b).

The Code sets out the major principles which apply to ABC content and in its introductory clauses, the Code explains that:

2.1 The guiding principle in the application of the following general content codes is context. What is unacceptable in one context may be appropriate and acceptable in another. However, the use of language, sound or images for no other purpose but to offend is not acceptable.

2.2 This Code is not intended to ban certain types of language or images from bona fide dramatic or literary treatments, nor is it intended to exclude such references from legitimate reportage, debate or documentaries

2.3 Warnings: From time to time the ABC presents content that it recognises may disturb or offend some of the audience. Where appropriate, the audience will be given advance notice of such content.

The ABC's Editorial Polices set out content standards for all ABC programming, and note that:

Questions of taste and decency in the Australian community are complex. Individuals and groups may have different standards, and these may change over time. The ABC does not broadcast or publish material which is likely to offend to a substantial degree, the standards of the content's target audience.
(11.1.2)

Importantly, the content standards also note that the media reflect and influence community standards and values, and that the ABC must maintain high standards of integrity in its content.

In relation to the use of coarse language specifically, the ABC recognises that there will be occasions and program content where there will be language of one group that may be distasteful to another. Such language is permitted provided it complies with the requirements of the ABC Code of Practice and is in context.

The ABC's Code of Practice states in relation to language (at 2.5) that:

Language. Variations of language favoured by different groups of Australians are valid and have their place in ABC content. On occasions, the

language of one group may be distasteful to another. Use of such language is permitted provided it is not used gratuitously and can be justified in the context of, for example, news, current affairs, fiction, documentary, dramatisation, comedy or song lyrics.

ABC Television

Television programs broadcast by the ABC aim to reflect the diversity of the Australian community, with an intention to inform, educate and entertain audiences.

ABC Television consists of:

- Two national digital television networks - ABC1 and ABC2.
- A national analogue network: ABC1 (simulcast on digital).
- An online platform which publishes a diversity of material relating to broadcast content. Sites include program guides as well as genre and program-related websites. Each website carries customised content which may include text and photographic material, video streaming, downloads and user-generated content (usually in the form of text contributions to forums and message boards).

The ABC seeks to balance issues relating to the use of language and expression in broadcast programs with standards of acceptability about what media organisations or individuals may publish or broadcast. Managing audiovisual program content, including issues relating to language, involves:

- applying a system of program classification;
- providing viewer advice, information or warnings; and
- applying a system of time zones for content.

Television program classification is based on the Guidelines for the Classification of Films and Computer Games issued by the Office of Film and Literature Classification (see www.oflc.gov.au). All broadcast content, with the exception of news, current affairs and sporting content, is classified. However, news, current affairs or sporting content producers are required to be mindful of the likely audience at the time of broadcast to ensure content is suitable.

In the past four years, there have been nine upheld complaints about coarse language in ABC Television content. Analysing these upheld complaints, the ABC notes the following:

- Two occurred when coarse language was used by a player or coach during the broadcast of live sporting events.
- Seven occurred due to errors when incorrect or insufficient classification or consumer advice was provided or program editing did not occur correctly.

In relation to each complaint (whether upheld or not), ABC Television assessed the output and its approach to the classification of language matters, to determine whether the Corporation's approach was in keeping with community attitudes. In relation to each upheld complaint, corrective action was taken to ensure the matters were addressed.

The ABC is confident that the use of coarse language in its television programs is appropriate to context, classification and time zone, and that adequate consumer advice and warning is given in consideration of the likely target audience.

ABC Radio

ABC Radio broadcasts to vastly different audiences across Australia each day, and aims to speak to different audiences in their own vocabularies. The ABC recognises that the target audiences for content (on air and online) have differing expectations.

ABC Radio and Regional Content Division operates:

- Four national radio networks comprising ABC Radio National, ABC Classic FM, *triple j* and ABC NewsRadio;
- 60 ABC Local Radio stations (broadcasting from nine metropolitan and 51 regional locations);
- three music-based services - *dig*, *dig jazz*, and *dig country* - variously available via the internet, subscription and free-to-air digital television and digital radio trials; and
- an extensive online presence for all services including live streaming of the national networks, *dig* services and metropolitan ABC Local Radio services.

triple j's target audience is 18 to 24 year olds and the *dig* music services are aimed at audiences over 30. The remaining ABC Radio networks are aimed at audiences over 40.

Unlike television, which has different classification requirements for different time zones throughout the day, radio networks are aimed at specific target audiences. Coarse language may be used, provided it is in context - the guiding principle for all radio networks is that they do not broadcast, or publish, material that would offend

to a substantial degree the contemporary standards held by the specific network's target audience.

Specific examples of appropriate context and audiences are:

- ABC Radio National is one of the only outlets in Australia producing and broadcasting Australian radio drama. Dramatic works may include strong language that goes to characterisation or realism in telling stories.
- *triple j* is the ABC's national youth radio network. The network strives to include new, innovative and cutting edge music in its playlists with an emphasis on Australian performance. It also provides news, information, entertainment and specialist coverage of youth issues and culture to its target youth audience of 18 to 24 year olds. The language commonly used by this primary target audience differs from that of other sections of the community, as does their sensitivity to coarse language.
- *triple j* Music Directors have extensive experience in determining what is relevant to 18 to 24 year olds. Some contemporary music uses strong language, and *triple j* broadcasts such material if it has artistic merit and relevance. *triple j* Music Directors are sensitive to the context in which coarse language is used and do not broadcast coarse language used in gratuitous, directly aggressive or violent way.

b. the effectiveness of the current classification standards as an accurate reflection of the content contained in the program

In addition to the general content codes outlined above, the ABC Code of Practice contains a specific section relating to television program classification. Television provides a comprehensive and effective classification service for all produced, commissioned and acquired content. ABC Television's approach to the classification of programs is to:

- Classify every program broadcast.²
- Classify programs consistently across the broadcast platforms ABC1 and ABC2.

² Whilst the Code does not require the classification of news, current affairs or sporting events, the ABC is mindful of the likely makeup of the audience at the time of broadcast. Television broadcasts warnings as appropriate.

- Broadcast programs according to the time zone appropriate to that classification level (see attachment: “ABC Television Classification Time Zones”).
- Provide customised consumer advice for every M and MA15+ program to inform viewers about classifiable elements that will appear.
- Provide specialised consumer advice (separate to the advice above) as necessary to warn viewers that they may be offended by upcoming content. This advice is intended to provide members of the audience with information that will assist in making a choice about whether or not to continue their viewing of the program. This includes, where necessary, consumer advice at G and PG for such content that viewers may not expect (eg. bullfighting in a travel documentary). This is unique amongst Australian broadcasters.
- Present the classification symbols that audiences are familiar with from the OFLC Guidelines. These symbols are presented for PG, M and MA15+ content.

The MA15+ time zone begins at 9.30pm on ABC1 and ABC2.

The Code of Practice provides a detailed description as to how the element of language is to be included in broadcast content:

G: General (suitable for all ages)

Coarse language should:

- be very mild and infrequent, and
- not be gratuitous.

PG: Parental Guidance (Parental Guidance recommended for people under 15 years)

Coarse language should be mild and infrequent.

M: Mature (recommended for people aged 15 years and over)

Coarse language may be used.

Generally, coarse language that is stronger, detailed or very aggressive should:

- be infrequent, and
- not be gratuitous.

MA15+ : Mature Audience (not suitable for people under 15 years)

Coarse language may be used.

Coarse language that is very strong, aggressive or detailed should not be gratuitous.

In managing content issues, the ABC draws on defined terms for coarse language at the various levels of classification published in 1999 in “The Guidelines for the Classification of Films and Videotapes” (amendment no.2). This glossary notes:

- At a G level, content **might** include "bloody" or "bugger".
- At PG level, content **might** include "shit"
- At M level, content **might** include "f***"
- At MA15+ level, content **might** include "c***"

While each category may include language as indicated, it must always be justifiable in the context of program content. Television consumer advice has been devised to reflect the appropriate hierarchy of language as follows:

- Coarse language
- Occasional coarse language
- Frequent coarse language
- Very coarse language

ABC Television has been developing a policy to apply to its video content online, given the migration of broadcast content to online platforms. At present, ABC Television’s approach is to provide the following information and protection to online users, being mindful of the absence of a time zone system to protect children:

- The majority of vodcast programs made available for download on ABC TV Online carry the same classification information as the broadcast program.
- Video streamed online publishes textual information about the classification and consumer advice to alert viewers as to the classification and elements of content.
- All ABCKids online sites publish G content only.
- All ABCKids user-contributed content is pre-moderated by a trained moderator of online content to ensure its appropriateness to children.

c. the operation and effectiveness of the complaints process currently available to members of the public

The ABC takes complaints seriously and recognises that rigorous investigation and response to criticism reflects on the Corporation's credibility and integrity.

Since 2002, the ABC has made a number of important changes to the way it deals with complaints about compliance with ABC editorial standards. As indicated earlier in this submission, these standards require that program makers exercise sound judgement before broadcasting or publishing coarse language, taking into account issues such as the target audience, taste, scheduling, program classification and provision of warnings and consumer advice. Where audience member have concerns about the use of coarse language in ABC content, the ABC welcomes the opportunity to investigate these complaints and provide substantive responses.

The ABC has a range of avenues available for audience members wishing to lodge such complaints, including electronic lodgement using a dedicated complaints form on the ABC's website, or through any of the other electronic entry points available for contacting the ABC. Complaints can also be sent by regular mail or faxed to the ABC. If an audience member prefers to make a complaint by telephone, the ABC generally seeks to respond on the spot or by return call.³

All written complaints which raise concerns about use of coarse language in ABC content are referred to Audience & Consumer Affairs for investigation in the first instance. Audience & Consumer Affairs is a specialist unit, and includes a small team of dedicated investigators who assess compliance with ABC Editorial Polices and the Code of Practice.

While internal to the ABC, Audience & Consumer Affairs is independent of content makers and is obliged to consider complaints rigorously and impartially. In keeping with principles of procedural fairness, content makers are provided with details of complaints and required to provide their comments to Audience & Consumer Affairs. Audience & Consumer Affairs make their findings on complaints after considering the content itself, the points made by the complainant, comments provided by the content area, and any other material considered to be relevant. Audience & Consumer Affairs aims to respond to all complaints within 28 days of receipt.

³ Comments about ABC content made in online guest books and other interactive online forums are content contributions and are not treated as complaints.

The establishment of Audience & Consumer Affairs as an independent complaints handling area within the ABC ensures that complaints are dealt with at arms-length from content making staff from the very first step of the complaint handling process. The procedures followed by Audience & Consumer Affairs are set out in Chapter 13 of the ABC's Editorial Policies, and further information is available on the ABC's website.

Summary details of complaints upheld by Audience & Consumer Affairs are also published on the ABC's website (note that these materials are currently being updated). In 2006-07, Audience & Consumer Affairs upheld 554 complaints, of which 14 complaints were in relation to coarse language. Actions taken in response to upheld complaints can include written apologies to complainants; on-air corrections and apologies; counselling or reprimanding of staff; removal of inappropriate content or correction of material on ABC Online; and reviews of and improvements to procedures.

There are also a number of review mechanisms available to audience members who are dissatisfied with a response received from Audience & Consumer Affairs:

- The Complaints Review Executive (CRE) is an ABC senior manager with editorial experience who is separate from Audience & Consumer Affairs and content areas. The CRE can consider a complaint afresh, and also aims to complete reviews within 28 days of receiving such a request.
- The ACMA is the federal government regulatory authority, and can investigate alleged breaches of the ABC Code of Practice. An audience member can refer such a complaint to ACMA if they are dissatisfied with the ABC's response, or if they have not received a response within from the ABC within 60 days.⁴

Where the CRE or ACMA has reviewed a complaint and determined that it is upheld, the ABC is committed to making details of the findings of the review body available via an appropriate link on the content's website, wherever materially practicable.

⁴ Another avenue of review for complainants exists in the form of the Independent Complaints Review Panel (ICRP). The ICRP is not discussed in this submission as its jurisdiction relates to allegations of bias, lack of balance, unfair treatment or factual inaccuracy, not language usage.

Conclusion

The ABC's approach to content standards is based on ongoing assessment of community standards and expectations. It is a rigorous process which is governed by the Corporation's Code of Practice and mandatory Editorial Policies.

Complaints about content - including use of coarse language - are referred to the Corporation's complaints unit, which operates independently from content makers.

The ABC believes that its approach to content management, comprising effective classification, appropriate consumer warnings, awareness of target audience and context, and a rigorous complaints handling system, provides the appropriate standards to meet community expectations without impeding the legitimate use of language in the context of creative works and reflecting the community to the audience.

ABC TV CLASSIFICATION TIME ZONES

School days

	5am	6	8:30	12pm	3pm	4pm	7:00	8:30	9:30	5am
G	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
PG	Blue	White	Blue	Blue	Blue	White	Blue	Blue	Blue	Blue
M	White	White	White	Pink	White	White	White	Pink	Pink	White
MA	White	White	White	White	White	White	White	White	Red	Red

Weekdays/School Holidays/Public Holidays

	5am	6	8:30	12pm	3pm	4pm	7:00	8:30	9:30	5am
G	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
PG	Blue	White	Blue	Blue	Blue	White	Blue	Blue	Blue	Blue
M	White	White	White	White	White	White	White	Pink	Pink	White
MA	White	White	White	White	White	White	White	White	Red	Red

Weekends

	5am	6	10:00 !!	12pm	3pm	4pm	7:00	8:30	9:30	5am
G	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
PG	Blue	White	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
M	White	White	White	White	White	White	White	Pink	Pink	White
MA	White	White	White	White	White	White	White	White	Red	Red