

# ABC Complaint Handling Process

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## 1. Background

- 1.1 The ABC welcomes audience engagement in all its forms (inquiries, complaints, feedback and messages of support). The ABC publishes on a variety of platforms and in the reality of today's world, audiences have immediate avenues to provide feedback. In addition to millions of Australians interacting with the ABC annually for help and support and with queries and feedback, approximately 25,000 written complaints are received every year via the [ABC complaint form](#). These complaints vary from matters of personal taste and preference to accuracy and impartiality concerns.
- 1.2 The ABC sets itself particularly high standards as outlined in the [Editorial Policies](#) and [Code of Practice](#). These give the ABC its distinctive character as a public broadcaster. They give practical shape to the requirements of the [ABC Act](#) especially with reference to maintaining independence and integrity and gathering and presenting news and information that is accurate and impartial according to the recognised principles of objective journalism.
- 1.3 Publicly espoused high standards are meaningless without a credible framework for enforcing them. This is especially relevant to the ABC which on behalf of the public aims to hold to account those charged with upholding the public interest, including the government, commercial or community sectors.
- 1.4 The ABC needs to correct errors swiftly, be willing to clarify and explain decisions, acknowledge misjudgements and, where appropriate, apologise. Audience complaints form part of a public exchange with the ABC from which all parties can benefit.

## 2. Types of complaints

The ABC categorises complaints as general complaints or content complaints. How the complaint is categorised will determine how it is handled.

### 2.1. *General complaints*

- (a) are written complaints about a matter of personal taste or preference, ABC staff, or the ABC generally. This includes complaints about the personal use of social media by ABC staff.

### 2.2. *Content complaints*

- (a) are written complaints about specific ABC content broadcast or published by the ABC, concerning the ABC's [editorial standards](#) and/or the [Code of](#)

[Practice](#) (the Code). The complaint does not need to refer to the ABC editorial standards or use the language of those standards to be considered a content complaint.

### 2.3 *Exceptions*

- (a) Complaints made by comment, reply, direct message or other user-generated content posted to social media platforms, websites or other interactive services are not complaints under this process.

## 3. Summary of complaints process

- 3.1. The ABC aims to resolve reasonable complaints as quickly as possible. We recommend using the [ABC complaint form to make a complaint](#). Complaints should be limited to 1500 words, and any attachments, such as screen shots, will be considered as supporting documents only. Complaints can also be submitted by post to: ABC Audience Support, Australian Broadcasting Corporation, GPO Box 9994, Sydney NSW 2001.
- 3.2. If a complainant needs help making a complaint (for example, help with language, literacy, additional needs), they can call the ABC during business hours on 139 994. A written summary of the caller's complaint will be made and forwarded to the appropriate area for handling.
- 3.3. All written complaints received by the [ABC complaint form](#) will be responded to by an automatic email explaining likely next steps and will include a reference number.
- 3.4. General complaints will be noted and may be referred to the relevant division for information or action.
- 3.5. Complaints about ABC employees' personal social media will be referred to the relevant employee's manager in accordance with the [Personal Use of Social Media Guidelines](#) and the ABC's employee Code of Conduct.
- 3.6. Complaints that are sent directly to the ABC Chair or Managing Director are generally referred to ABC Audience Support for referral in accordance with this complaint handling process. Some matters may be treated differently if, for example they raise legal, confidential or security concerns.
- 3.7. Content complaints are generally referred to the Ombudsman's Office for assessment. The Ombudsman's Office may retain a content complaint for investigation, may refer the complaint to a relevant ABC division or may determine no further action is warranted.

- 3.8. The Ombudsman's Office has a review function which provides complainants with an option to request a review.
- 3.9. A complainant may be able to complain to the Australian Communications and Media Authority (ACMA) if the complaint is about broadcast content.

#### **4. How and when we respond to complaints**

- 4.1 The ABC applies a proportionate approach to complaint handling. This recognises that not all complaints warrant a response.
- 4.2 We aim to respond to simple content complaints within 30 days. However, more complex content complaints may take longer to finalise.
- 4.3 The ABC will not respond to complaints that are offensive, abusive, frivolous, vexatious or not made in good faith.
- 4.4 Anonymous complaints, or complaints made 3 months from the date the content was first made available will generally not be responded to.
- 4.5 The ABC respects the confidentiality of complainants. However, where the complainant is an organisation, or a complainant's identity is a matter of public record, the ABC may identify the complainant publicly for reporting purposes.

#### **5. Assessing content complaints – The Ombudsman's Office**

- 5.1 The role of the Ombudsman's Office is to ensure fairness, objectivity and transparency in the content complaint handling process to build trust with Australian audiences and to help safeguard the ABC's independence and integrity. The Ombudsman's Office is independent from ABC content-making divisions and the Ombudsman reports to the ABC Board.
- 5.2 The Ombudsman's Office is responsible for assessing most content complaints. The Ombudsman's Office has the discretion to accept or reject a content complaint for investigation. Reasons that a content complaint may not be accepted for investigation include:
  - (a) the complaint does not meet the definition of a content complaint
  - (b) the complaint is not serious enough
  - (c) the complaint is anonymous
  - (d) the complaint is made 3 months from the date the content was first made available
  - (e) the complaint is offensive, abusive, frivolous, vexatious or not made in good faith
  - (f) the complaint is about content that is or becomes the subject of a legal claim

- (g) the Ombudsman's Office exercises its discretion to refer the complaint to a division of the ABC to be handled directly (see section 7 below)
- (h) the content that the complaint is about is no longer available (note that the ABC only keeps records of some content broadcast for 6 weeks).

## 6. Investigating content complaints – The Ombudsman's Office

6.1 Where the Ombudsman's Office accepts a complaint for investigation, it may make one of the findings below:

- (a) Breach: the content breached the editorial standards
- (b) No Breach: the content did not breach the editorial standards
- (c) Resolved: that in the opinion of the Ombudsman's Office, appropriate action has been taken to suitably remedy the cause of complaint and any further action or allocation of resources would not be warranted.

6.2 During an investigation, the Ombudsman's Office will review the content, investigate compliance with the editorial standards and consult as required with the relevant ABC division.

6.3 Where there is a preliminary finding of a breach of editorial standards, the Ombudsman's Office may recommend a remedy but may not mandate one.

6.4 To meet the fundamental principle of procedural fairness, the relevant ABC division will have an opportunity to respond to any breach or resolved preliminary finding or published investigation report.

6.5 If an ABC division disagrees with a preliminary finding, the Divisional Director may make a submission to the Managing Director and the Ombudsman. The Ombudsman will finalise the investigation, in consultation with the Managing Director, and reasons for the finding will be given to the Divisional Director.

### Finalising investigations

6.6 The relevant ABC division is responsible for determining, implementing and recording any action arising from a complaint investigation.

6.7 The Ombudsman's Office will write to the complainant informing them of the finding/s of the investigation, any action taken and, any further complaint options available to them.

6.8 The Ombudsman's Office will publish findings about significant investigations (including all breach findings) on the [Ombudsman's Office website](#).

## 7. Content complaints handled by ABC Divisions

- 7.1. It is often the people with the most direct knowledge and involvement in reporting news and creating content who are best equipped to respond to complaints. ABC divisions may respond to content complaints that they receive directly or that are referred to them by the Ombudsman's Office.
- 7.2. Where an ABC division responds directly to a content complaint, the complainant must be informed that they have the option to refer the complaint to:
  - (a) the ABC's Ombudsman's Office to request a review of the complaint – a review will only be considered if the complainant makes the request within two (2) weeks from the date of the response from the division, and
  - (b) the ACMA, if applicable.
- 7.3. ABC divisions may refer any content complaint to the Ombudsman's Office to be handled in accordance with sections 5 and 6 above.

## **8. The Ombudsman's Office's review of content complaints**

- 8.1 The Ombudsman's Office has a complaint review function. A complainant may request a review if:
  - (a) they do not receive a response to their complaint (and a response is considered warranted – refer to section 4) within 60 days of submitting it, or
  - (b) they are dissatisfied with a response they received from an ABC division, or
  - (c) they are dissatisfied with a response they receive from an Investigations Officer of the Ombudsman's Office (only the Ombudsman will review this type of request).
- 8.2. Where a complainant is dissatisfied with a response received, a review will only be considered if the complainant makes the request within two (2) weeks from the date of the original response.
- 8.3. Any review by the Ombudsman or the Ombudsman's Office is discretionary and will only be accepted if a complainant explains why they are dissatisfied, provides new relevant information for consideration, or exceptional circumstances apply.

### **How to request a review**

- 8.4. Complainants may request a review by sending an email to [ombudsmansoffice@abc.net.au](mailto:ombudsmansoffice@abc.net.au) or by post to Ombudsman's Office, Australian Broadcasting Corporation, GPO Box 9994, Sydney NSW 2001.

- 8.5. The request for review should include the complaint reference number, and if applicable, a copy of the original response with reasons why the complainant is dissatisfied.
- 8.6. If a complaint is not accepted for review, the complainant will be informed of this decision.
- 8.7. Where a request to review a complaint is accepted, the Ombudsman or Ombudsman's Office will investigate the complaint in accordance with the relevant provisions in section 6 above.
- 8.8. Summaries of all review findings will be published on the [Ombudsman's Office website](#), subject to privacy considerations.

## 9. External Review Options

- 9.1. A complainant is entitled under section 150 of the *Broadcasting Services Act 1992* (Cth) to take their complaint about the [ABC Code of Practice](#) to the ACMA if the ABC fails to respond within 60 days, or if the complainant considers the ABC's response inadequate.
- 9.2. The ACMA does not deal with complaints about ABC digital media services.
- 9.3. If a complainant refers a complaint to the ACMA, the Ombudsman's Office will generally facilitate any ABC response to the ACMA.
- 9.4. Depending on what the complaint is about, a complainant may be able to refer a complaint to the Australian Human Rights Commission, the Commonwealth Ombudsman or the eSafety Commissioner.

*\* ABC employees involved in complaint handling should be familiar with the [Internal Content Complaint Handling Procedure](#) [internal link for ABC staff only]*