

# EDITORIAL POLICIES

Quality Assurance  
Project 1:

## Verification of Corrective Actions

Final Report  
April 2008

Advise. **Verify.** Review



**ABC**  
Australian  
Broadcasting  
Corporation

## Editorial Policies

The Editorial Policies of the ABC are its leading standards and a day-to-day reference for makers of ABC content. The [Editorial Policies](#) -

- give practical shape to statutory obligations in the ABC Act;
- set out the ABC's self-regulatory standards and how to enforce them; and
- describe and explain to staff and the community the editorial and ethical principles fundamental to the ABC.

The role of Director Editorial Policies was established in 2007 and comprises three main functions: to advise, verify and review.

The verification function principally involves the design and implementation of quality assurance projects to allow the ABC to assess whether it is meeting the standards required of it and to contribute to continuous improvement of the national public broadcaster and its content.

### *Acknowledgements*

Director Editorial Policies acknowledges the work of Michelle Fisher, Manager Research (Editorial Policies), who undertook with great care and professionalism the detailed work for this project, and Jessica List, the Editorial Policies Executive Assistant. Thanks also to the ABC personnel who co-operated as the project took place, including ABC Audience and Consumer Affairs and the various editorial policies specialists from the content-producing Divisions of the ABC who handle complaints responses and complaints data.

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# Quality Assurance Project 1

## Verification of Corrective Actions – Final Report

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## Foreword

This project is the first in a continuing series of quality assurance (QA) projects designed to verify whether the ABC is meeting the standards set for it in the *ABC Act* and in its Editorial Policies.

The verification work is part of the strengthening of ABC self-regulation to which the position of Director Editorial Policies was established to contribute.

Media self-regulation needs to take account of what has been found to work in other industry and service sectors to control or assure quality, particularly in sectors that also deal in information as the main raw material, and in transformation and communication of information as the main activity.

While the *purposes* of media are unique in a democratic society, the *processes* are as susceptible to human frailty and lapses in quality as any other. Sometimes even more so, because media output often has greater consequences than other information products, and consequently the pressures on quality can be greater. To illustrate: no one needs to try to apply 'spin' to the raw ingredients of, say, a train timetable, street directory or phone book; but many interested parties may want to affect the quality of the information that goes into the news.

*The Economist* once observed that there is nothing wrong with treating news like other products, so long as it is done carefully because it spoils easily. In developing the quality assurance function of the role of the Editorial Policies Division within the ABC, both parts of the observation must be kept in mind.

The aim of all the QA projects is to use fair and rigorous methodologies to produce results which, even if discomfiting in the short run, contribute in the longer run to continuous improvement of the ABC and its content.

In the Editorial Policies the ABC commits itself to correct errors (sections 4.3, 5.2.2 and 7). The commitment also appears in the Code of Practice (section 3.3) which is derived from the Editorial Policies and enforceable under the *Broadcasting Services Act*.

The persistence of media content in cyberspace, and the speed with which it can replicate, are further reasons for paying greater attention to following up responses to upheld complaints. Radio and TV programs used to 'go to air' once only. Transience was a boon. Home taping systems made broadcasts susceptible to being recorded, but only on cassettes that were not readily able to proliferate at speed. Newer forms of online dissemination of a broadcaster's output – transcripts, podcasting, vodcasting – combined with search engines' awesome recall and the lower cost and greater storage capacity of computers, have changed that. Errors of consequence can endure and breed.

The objective of this project sounded simple when conceived: 'When a complaints entity has found errors, have we corrected them? Let's check, by looking at the three-year period July 2004 to June 2007.'

But the practical detail soon showed that 'correction' in particular cases may not be as simple as the phrase sounds when used in the abstract. Our term 'corrective actions' evolved from a recognition that 'error' may be a misleading general label for what it is that the ABC, or any media entity, ought in certain circumstances take action to correct.

PAUL CHADWICK  
Director Editorial Policies

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\* The role is described in the ABC 2007 Annual Report at pages 107-08, and the work appears on the Intranet behind the Editorial Policies button on the homepage menu and on [www.abc.net.au](http://www.abc.net.au) behind the 'About the ABC' link at the foot of the homepage (under 'ABC Documents', click on the ABC Editorial Policies link).

## Executive summary

### Background

The ABC receives relatively few complaints, given the number of audience members reached and vast amount of output produced.

The process for dealing with complaints alleging a breach of the Editorial Policies or Code of Practice can involve up to four complaints bodies:

- Audience and Consumer Affairs (A&CA);
- Complaints Review Executive (CRE);
- Independent Complaints Review Panel (ICRP); and
- Australian Communications and Media Authority (ACMA, and its predecessor, the ABA – the Australian Broadcasting Authority).

### Project approach

A fundamental question for any media entity's self-regulatory system is: when a complaint justifies corrective action, does the corrective action happen?

This project set out to answer that question, asking it of a sample of decided complaints over the period July 2004 to June 2007.

The Editorial Policies Division specifically examined the following aspects of the ABC's complaints handling system:

- methods for recording and publishing corrective actions;
- how corrective actions are communicated to the persons responsible for implementing them and/or the persons responsible for having made the matter that is to be corrected;
- internal monitoring and reporting on the status of corrective actions and their implementation; and
- methods for informing complainants and the public about the implementation of corrective actions.

The scope of complaints under review was limited to those cases where the complaints decision referred to some corrective action that was yet to be carried out, whether at the ABC's own initiative and noted by the complaints-handling body in the record of decision, or at the suggestion or recommendation of the complaints-handling body.

### Key findings

#### *Note on interpretation:*

Given the relatively small sample of complaints that fell within the scope of this QA project, some caution should be exercised before generalising too widely about the ABC's complaints handling system and the manner in which it responds to upheld complaints.

The conclusions and recommendations drawn from this project nevertheless indicate strengths and weaknesses that can be addressed to improve the responsiveness, transparency and effectiveness of the ABC's complaints handling system.

### Upheld complaints giving rise to corrective actions

It was apparent that the ABC had already taken some corrective action in many (if not most) of the complaints reviewed.

Of the 38 complaints upheld by CRE, ICRP and ACMA/ABA over the last three financial years, only eight of these decisions referred to some outstanding action that the ABC was to take. The Television Division was the responsible area for one of the eight cases; the Radio Division for three; and the News Division for the remaining four.

Many of the corrective actions that fell within the scope of this project arose from breaches of factual accuracy. However, other editorial standards also gave rise to prospective corrective actions. These included cases relating to breaches of balance, bias, impartiality, and classification.

The nature of corrective action included, but was not limited to, making a correction to a story or broadcast. Other corrective actions included sending a letter of apology, bringing the matter to the attention of relevant staff, reviewing procedures, and seeking a statement from a complaint for publishing online.

### Verification that corrective actions were implemented

This project examined whether the ABC was responsive in:

- fully carrying out the promised or recommended action in each case;
- doing so in a timely manner, within 30 days of the date of decision; and
- informing the complainant about any substantial impediments or decisions affecting the extent to which, or manner in which, a particular corrective action was to be implemented.

In nearly every case, Divisions confirmed that the corrective actions had been carried out. In some cases, the action had been completed prior to the complaints body finalising its decision.

In a number of cases, the corrective action which the ABC undertook to carry out involved making an online correction, clarification or addendum. After reviewing these, it became apparent that there are some inconsistent practices in how the ABC handles online corrections and that greater clarity and consistency would be beneficial.

### Communication, coordination and monitoring

Communication and coordination of responses are essential components of an effective complaints handling system. Divisions were asked:

- whether the complainant was advised that corrective actions were to be carried out;
- what the procedure was to ensure that staff who were responsible for making the content were made aware of what corrective actions were to be carried out by the ABC;
- who was responsible for implementing corrective actions, and who for monitoring the progress of implementation; and
- what systems are in place to monitor and report on the status of corrective actions.

The Director Editorial Policies endorses suggestions from News for:

- a standardised form setting out what corrective actions are to be implemented, who is responsible for carrying these out, and when the action is completed; and
- a centralised internal register of complaint outcomes to be made accessible to all relevant areas in Divisions through a shared file or system.

The ABC has been active for some time in making complaints decisions and summaries publicly available. Transparency and accessibility would be greatly improved if complaint outcomes were more readily searchable by the public.

## Public reporting of complaints

The ABC's public accountability and its transparency in how it handles complaints is enhanced through its publication of complaints decisions and summaries. The ABC's existing use of the internet ensures that the information about decisions determined by A&CA, CRE and ICRP is widely and readily accessible to the public. The ABC publishes complaints information through a number of online publications and mechanisms. (These are summarised in Appendix 2.)

When examining the ABC's publicly available reports to determine which complaints decisions fell within scope, a number of issues about the ABC's current and past reporting practices were identified. Some are in the process of being addressed. The Director Editorial Policies makes several further recommendations.

Analysis of published complaints statistics showed that the method of categorisation insufficiently distinguished between the large number of complaints unrelated to Editorial Policies matters and the smaller number that do relate to editorial matters. Also, the reporting method gives a misleading impression that a smaller proportion of complaints are upheld when alleging Editorial Policy breaches than is the case. The Director Editorial Policies recommends that, like the BBC Trust, the ABC should clearly distinguish between editorial and non-editorial complaints.

A&CA advised that they are trialling a method of better distinguishing between complaints that are investigated and those that are not. This desire to better distinguish between the types of complaints has guided the recent restructure of A&CA into two separate units: an investigative unit to focus on complaints about Editorial Policy and Code of Practice matters; and an audience liaison unit to bring together the existing program audience liaison and reception audience liaison functions.

## Recommendations

The Director Editorial Policies makes 12 recommendations to improve the transparency, responsiveness and effectiveness of the ABC's complaints-handling system:

- Recommendation 1:** (Section III.B.5) Consideration be given by Directors and the Managing Director to establishing a corrections tracking system to enable patterns and types of errors or inaccuracies to be identified to avoid repetition, improve practices, and assist in the setting of timeliness standards and development of a corrections policy.
- Recommendation 2:** (Section III.B.6) The Director Editorial Policies, in consultation with the Editorial Policies Group, should develop and the Managing Director should be requested to endorse, a Guidance Note to underpin the commitment in the Editorial Policies to the correction of errors.
- Recommendation 3:** (Section III.C.2) Divisions, in consultation with A&CA, consider the merits of using a standardised form to monitor the status of corrective actions identified in investigation decisions into upheld complaints. Such a form could identify which corrective actions are yet to be carried out, who is responsible for implementation, and include details to track the progress and finalisation of each corrective action.
- Recommendation 4:** (Section III.C.2) Directors and the Managing Director consider the costs and benefits of the ABC establishing a centralised shared database of complaint decisions that can be readily and directly searched.
- Recommendation 5:** (Section III.C.2) Further consideration should also be given by Directors and the Managing Director to providing a publicly accessible, searchable database of outcomes of complaints, subject to legal and other relevant considerations.
- Recommendation 6:** (Section III.D.1) Public reporting of CRE cases clearly distinguish between complaints determined at first instance from those dealt with upon review.



- Recommendation 7:** (Section III.D.1) Consideration be given to publishing the full text of ICRP decisions determined prior to September 2005, subject to any legal, cost/benefit or other factors.
- Recommendation 8:** (Section III.D.1) Access to ICRP (and other complaints decisions) should be consistent across the various entry points (whether via the corporate publications page, or the complaints 'ICRP Findings' page).
- Recommendation 9:** (Section III.D.1) Consideration be given to including within the ABC's complaints pages links to ACMA decisions relating to the ABC. Where possible, and with any necessary permissions from ACMA, significant non-breach findings should also be made accessible through the ABC website.
- Recommendation 10:** (Section III.D.1) Consideration be given to further publicising ACMA's breach and non-breach findings through, for example, lists or tables in the ABC's annual reports and, where appropriate, through corporate media releases and notations and links on the program websites concerned in the complaint. This would be consistent with section 13.9.2 of the Editorial Policies.
- Recommendation 11:** (Section III.D.2) A&CA continue its work on reviewing how complaint figures are calculated and reported to more clearly distinguish between editorial and non-editorial complaints and breaches.
- Recommendation 12:** (Section III.D.2) Consideration be given, in consultation with A&CA and CRE, to reviewing how complaint figures for CRE decisions (including investigations at first instance, reviews, and adjudications) are calculated and reported in annual and online reports.

## Divisional responses

A draft of this report was provided for comment to the News, Radio, and Television Divisions, along with A&CA, CRE and Corporate Planning and Governance. Their comments have been incorporated into this final report and, where appropriate, amendments were made to correct or remove material in response to issues raised.

While Television did not provide specific comments on the report, they indicated that they are generally supportive of the principles inherent in the recommendations and generally endorse the direction that the recommendations seek to take.

A number of the responses raised potential resourcing and other implications that may arise for Divisions in implementing some of the recommendations.

## I. Background

### A. For its size, the ABC receives relatively few complaints

The ABC's audience reach and output is vast. ABC television, radio and online services reach an estimated 14.3 million Australians.<sup>1</sup> The ABC broadcasts 8,760 hours on each radio network and station, and twice this on television. Radio Australia programming is available in 40 countries, and Australia Network television is available in 41 countries. ABC Online has nearly 4 million pages of content, and more than 2 million podcasts are downloaded each month.<sup>2</sup>

Given the number of audience members reached and the extent of content produced, the ABC receives relatively few complaints. In 2006-07, for instance, the ABC recorded having received 38,884 written and phone complaints.<sup>3</sup> (By way of comparison, the BBC received just under 124,000 complaints in 2006-07.<sup>4</sup> The ABC and BBC complaints figures are roughly equivalent on a per capita basis.<sup>5</sup>)

### B. Complaints handling systems can contribute to continuous improvement

The ABC sees audience feedback as an important avenue for assessing its performance<sup>6</sup> and welcomes comments and complaints.<sup>7</sup> The ABC recognises 'the fundamental importance of an effective complaints mechanism in maintaining its accountability to the Australian people and to Parliament', particularly in relation to fulfilling the Board's statutory obligations to ensure that the gathering and presentation of news and information is accurate and impartial according to the recognised standards of objective journalism.<sup>8</sup>

Complaints handling systems in media organisations have value beyond accountability generally, or redress in specific cases. The data can be a useful risk management and quality improvement tool, revealing systemic issues and showing where more effort may be needed in training or other areas that bear on quality.

### C. ABC complaints handling systems described

Over the past decade,<sup>9</sup> ABC complaints handling has received attention and reform, resulting in: new complaints handling processes and bodies,<sup>10</sup> fairer and more accessible procedures,<sup>11</sup> and more transparent and detailed information about complaints handling decisions.<sup>12</sup>

The ABC now has a multi-tier complaints handling system.

Written complaints can allege a breach of the Editorial Policies or the Code of Practice derived from the Editorial Policies. Complaints are handled in accordance with the ABC's formal policy and procedures and may reach a statutory regulator.<sup>13</sup>

The process can involve up to four stages, with the final stage available only where a breach of the Code of Practice is alleged. The four complaints bodies are:

- Audience and Consumer Affairs (A&CA) was established in August 2000<sup>14</sup> "to undertake a number of functions aimed at improving the handling of complaints and audience comment",<sup>15</sup> including coordinating responses to audience feedback.<sup>16</sup> In August 2002, the complaints handling system was enhanced so that all serious complaints received by the ABC would be referred to A&CA for investigation and response.<sup>17</sup> A&CA is a separate unit within the ABC that is independent of the ABC's content areas and reports to the Director of Corporate Strategy and Governance. A&CA ordinarily carries out the initial investigation into a complaint and determines whether an editorial breach has occurred;
- the Complaints Review Executive (CRE), a senior ABC manager with editorial experience who is independent of A&CA and the ABC's content areas. The CRE was established in August 2002 "to

provide an additional level of independent internal review for complainants who express dissatisfaction with ABC Audience and Consumer Affairs' response to their complaint."<sup>18</sup> The CRE also has an adjudicative role when the head of A&CA and a content Director cannot reach agreement on a finding and appropriate response. In rare cases, the CRE investigates a complaint at first instance at the request of the Chairman, Managing Director, or Director Corporate Strategy;

- the Independent Complaints Review Panel (ICRP), comprised of appropriately experienced persons independent of ABC content makers and managers, established by the ABC in 1991 to review complaints alleging serious cases of bias, lack of balance and unfair treatment when complainants were not satisfied with the ABC's internal complaints handling procedures.<sup>19</sup> In May 2005, the ICRP's jurisdiction was extended to include serious cases of factual inaccuracy;<sup>20</sup> and
- the Australian Communications and Media Authority (ACMA), an independent statutory authority within the federal government established to investigate complaints alleging a breach of the ABC Code of Practice where the complainant is dissatisfied with the ABC's response or has not received a response within 60 days after making it. This statutory avenue of complaint was established in Division 2 of Part 11 of the *Broadcasting Services Act 1992 (Cth)*, which came into operation in July 1992. ACMA replaced the Australian Broadcasting Authority (ABA) in July 2005. In this Report, cases from both the ABA and ACMA are referred to.

## II. Project components

### A. Rationale

A fundamental question for any media entity's self-regulatory system is: when a complaint justifies corrective action, does the corrective action happen? This project set out to answer that question, asking it of a sample of decided complaints over the period July 2004 to June 2007.

ABC complaints procedures are described in the Editorial Policies as being rigorous (section 3.5.7). Transparency and accountability are stated to be important elements in maintaining public confidence in the complaints process (section 13.9.1). Certain commitments are made in relation to correcting significant errors (sections 4.3 and 5.2.2(c)(ii)). Sections 3.3 and 5.4 of the ABC Code of Practice are in similar terms.

Actions that are undertaken to remedy a breach of editorial standards are not limited to cases of factual inaccuracy. Corrective actions arising from upheld complaints can be as simple as a written or broadcast apology or acknowledgement that the lapse occurred. Where the breach involves, say, imbalance or unfair treatment on radio or television, any resulting harm can sometimes be addressed by posting an online clarification or addendum to place the story in better context.

All activities carried out by ABC staff are required to be carried out with care and integrity and in accordance with key values such as honesty, fairness and respect (section 2.1).

The entities that handle complaints about the ABC under the Editorial Policies and the Code of Practice are Audience and Consumer Affairs (A&CA), Complaints Review Executive (CRE), Independent Complaints Review Panel (ICRP) and Australian Communications and Media Authority (ACMA). None has the power to compel the ABC to take corrective action when a complaint is upheld. With the exception of A&CA, the complaints-handling entities may suggest or recommend corrective actions or may endorse actions proposed by the ABC. To date, A&CA has not had the power to recommend corrective actions but may note what actions the output Divisions have agreed to carry out.

When a complaints body does recommend or endorse a corrective action that the ABC is to take, it is important to ensure that the ABC carries through in implementing that action. At present, no centralised data is systematically kept on which entities have made such suggestions or recommendations in relation to upheld complaints and what those suggestions/recommendations are. When the project was first conceived, no systematic data appeared to be accessible about whether the ABC:

- takes the action noted, endorsed, suggested or recommended;
- informs complainants;
- informs the complaints-handling entity;
- feeds the outcome back to content makers;
- consciously applies the results of such cases in training and other activities that contribute to continuous improvement.

This does not mean that some or all of the above never occurs. It occurs within and among Divisions of the ABC in different ways and degrees. But the ABC as a whole lacks the systems to show how and to what extent this activity takes place.

The situation presents risks, including:

- failure to identify systemic flaws leading to avoidable repetition and further complaints;
- persistence of error in specific content or practices (because uncorrected), with consequent effects on complainants and on the quality of the ABC archive;
- the potential to be unable effectively to answer criticisms on the basis of evidence, so that some criticisms may persist unfairly;
- weakening of public confidence in the complaints process and more generally in the ABC brand;
- potential for imposition of stricter regulation, enforceable under statute by entities outside the ABC;
- the cost in resources and time of the above risks, to the extent they manifest.

The risks, if they manifest, would be likely to have a material effect.

It was anticipated that the results of the project would likely have benefits beyond simply the findings relating to the follow-up given to specific upheld complaints. This project was undertaken with the expectation that it would assist the ABC to understand better the functioning of its complaints-handling system and its use of the data the system produces to improve ABC services.

## B. Objectives

The primary objective of this Quality Assurance Project was to examine the effectiveness of the ABC in implementing corrective actions arising out of a sample of complaints brought under the ABC's Editorial Policies or ABC Code of Practice and upheld at initial resolution or after review.

The Editorial Policies Division specifically examined the follow aspects of the ABC's complaints handling system:

- methods for recording and publishing corrective actions;
- how corrective actions are communicated to the persons responsible for implementing them and/or the persons responsible for having made the matter that is to be corrected;
- internal monitoring and reporting on the status of corrective actions and their implementation; and
- methods for informing complainants and the public about the implementation of corrective actions.

## C. Scope

This project focused on corrective actions that arose out of decisions made by each of the complaints-handling bodies authorised to handle complaints under legislation, the Editorial Policies or Code of Practice. The scope of complaints under review was limited to:

- complaints alleging a breach of the Editorial Policies or ABC Code of Practice, excluding complaints about complaints handling provisions;<sup>a</sup>
- complaints which were upheld in whole or in part;
- decisions by the Audience and Consumer Affairs (A&CA),<sup>b</sup> Complaints Review Executive (CRE, including determinations and adjudications), the Independent Complaints Review Panel (ICRP), and the Australian Communications and Media Authority (ACMA, which replaced the Australian Broadcasting Authority (ABA) on 1 July 2005);
- complaints decided during the period 1 July 2004 to 30 June 2007;<sup>b</sup>
- matters which resulted in some prospective corrective action to be carried out, whether at the ABC's own initiative and noted or endorsed by the complaints-handling body, or at the suggestion or recommendation of the complaints-handling body.

The merits of particular complaints, and the appropriateness of particular remedies, were not matters for review by the Editorial Policies Division and not within the scope of this project.

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<sup>a</sup> This project was not concerned with examining the ABC's response to breaches of the complaints handling process *per se*. The focus was on the implementation of corrective actions arising from other substantive breaches of the Editorial Policies and Code of Practice, such as in relation to accuracy and balance. Accordingly, examination of corrective actions arising from complaints about the complaint-handling process is outside the scope of this project.

<sup>b</sup> Given the large volume of complaints handled by A&CA, the project was divided into two stages. The first stage looked at decisions of ACMA/ABA, ICRP and CRE over the three-year period of 2004-07. The second stage focuses on a smaller sample of complaints considered by A&CA over a three-month period, April-June 2007.

## D. Methodology

The project involved an examination of published decisions and related material from each of the complaints-handling bodies over the sampled period (i.e., July 2004 to June 2007) to assess which matters fell within the scope of the project. ACMA and ICRP decisions were accessed, respectively, from ACMA's and the ABC's internet sites ([www.acma.gov.au](http://www.acma.gov.au) and [www.abc.net.au](http://www.abc.net.au)). Internal records of CRE determinations and adjudications were obtained and reviewed, along with case summaries the ABC publishes in quarterly reports on [www.abc.net.au](http://www.abc.net.au).

Once upheld complaints with prospective corrective actions were identified, the Editorial Policies Division contacted the relevant content Divisions to seek verification that the actions had been implemented.

Following initial consultation with A&CA, the review of records was extended to an examination of annual reports published respectively by the ABC and the ABA/ACMA. The ABC's annual reports included details of the number of complaints finalised and upheld by A&CA, CRE, ICRP and ACMA. The preliminary figures were revised to take account of these latter records.

The ABC's implementation of corrective actions following the resolution of complaints was examined with reference to the Australian Standard AS ISO 10002-2006, *Customer satisfaction – Guidelines for complaints handling in organizations*, and the Commonwealth Ombudsman's 1997 better practice guide, *A Good Practice Guide for Effective Complaint Handling*.<sup>21</sup>

These documents set out similar criteria and guiding principles for complaints handling systems. In essence, effective complaints handling systems are:

- backed by a strong commitment amongst all levels of the organisation;
- fair and seen to be fair by clients and staff – being transparent, impartial, confidential and capable of offering just outcomes;
- easily accessible and well publicised;
- responsive to clients by providing a full, impartial, speedy investigation and appropriate remedies;
- effective in addressing the complaint, integrated into the overall system of continual improvement, and regularly reviewed to ensure clients' needs are met; and
- open and accountable, so clients can judge themselves whether the complaints system is working effectively.

These criteria were used to devise a list of questions (Appendix 1) which was provided to Divisions responsible for the content that was the subject of an upheld complaint that fell within the scope of this project. The questions were designed to learn whether the corrective actions have been carried out or, if not carried out, why that had not occurred. The questions also aimed to elicit responses that would inform findings and recommendations about what works well, and what could be improved.

Consultations were had with the Television, News and Radio Divisions. A&CA was also consulted during the course of the project. We note A&CA's views that there could have been more consultation. A draft of this report was circulated for comment to the Radio, Television and News Divisions, as well as to A&CA, CRE and the Corporate Planning and Governance Division.

All quality assurance projects undertaken within a self-regulatory context test the participants. But the organisation for which all participants work usually emerges stronger.

The initial stage of this project relates only to corrective actions arising from complaints upheld by ACMA/ABA, the ICRP, and CRE over the last three financial years. Examination of corrective actions arising from complaints finalised by A&CA over the last quarter of 2006-07 has commenced and responses sought from the responsible Divisions. However, this second stage is currently being held in abeyance pending decisions to be made on the recommendations set out in this report.

### III. Findings and recommendations

#### Note on interpretation:

The findings set out in the following paragraphs are based on the relatively small sample of complaints that fell within the scope of this QA project. Accordingly, some caution should be exercised before generalising too widely about the ABC's complaints handling system and the manner in which it responds to upheld complaints. The conclusions and recommendations drawn from this project nevertheless indicate strengths and weaknesses that can be addressed to improve the responsiveness, transparency and effectiveness of the ABC's complaints handling system.

#### A. Upheld complaints giving rise to corrective actions

Upon reviewing complaints to assess which ones gave rise to some corrective action to be carried out, it became apparent that the ABC had already taken some corrective action in many (if not most) cases. In a handful of cases, the record of decision suggested that the action that the ABC proposed to carry out, or that the complaints body recommended, had not yet been completed. These are the cases that fell within the scope of this project, which aimed to ascertain whether implementation eventuated.

##### 1. Corrective actions already carried out, at the ABC's initiative, prior to the complaint being finalised

In the vast majority of cases heard at first instance by A&CA, the ABC has already carried out some corrective action before, or shortly after, a complaint has been upheld. This most commonly takes the form of a simple apology or acknowledgement that a breach has occurred. In many cases, the complainant is also advised that the breach has been brought to the attention of relevant staff.

It is also apparent that the ABC often carries out some corrective action by the time a complaint is upheld on review. In about a third of cases upheld on review, the decisions referred to the ABC having already taken some corrective action. The kinds of corrective actions the ABC had already carried out included the publication of corrections on the program website; a review and implementation of changes to procedures (such as for complaints handling); and briefing staff (such as in how comments might have been better expressed to avoid an appearance of the presenter expressing personal views).

##### 2. Corrective actions recommended, suggested or endorsed by the complaints handling body and yet to be carried out

CRE, ICRP and ABA/ACMA upheld a total of 38 complaints over the last three financial years. In eight<sup>22</sup> of these cases, one or more prospective corrective actions were identified – that is, actions that the ABC had not yet completed but which it undertook, on its own behalf or at the behest of the complaints body, to carry out. (These actions were additional to any that may have already been completed prior to the complaint being finalised.)

The Television Division was the responsible area for one of the eight cases within the scope of this project; the Radio Division for three of the cases; and the News Division for the remaining four<sup>23</sup>.

Many of the corrective actions that fell within the scope of this project arose from breaches of factual accuracy. However, other editorial standards also gave rise to prospective corrective actions. These included cases relating to breaches of balance, bias, impartiality, and classification.

The nature of corrective action included, but was not limited to, making a correction or clarification to a story or broadcast. Other corrective actions included:

- sending a letter to the complainant, similar to that which had been sent to individuals who had made similar complaints to ACMA;

- providing the complaints handling body with a copy of the letter sent to the complainant;
- bringing the reasons for the breach finding to the attention of staff, with a view to avoiding future breaches of the same nature;
- reminding staff about the requirement for accuracy and the guidelines for reporting on crowd sizes;
- counselling staff about expressing personal opinions on contentious issues on air;
- reviewing procedures for preparing television current affairs programs to better ensure impartiality;
- reviewing the Code of Practice to provide more specific guidance about timeliness of corrections;
- seeking a statement from the complainant and publishing this online;
- publishing an online editor's note, correction, clarification or addendum; and
- broadcasting an on-air announcement alerting audience members to an online addendum.

Divisions were asked to verify that these actions had been carried out. Their responses are discussed in the next section.

## B. Verification that corrective actions were implemented

One of the hallmarks of an effective complaints handling system is its responsiveness to clients in providing a full, impartial, and speedy investigation with appropriate remedies. This project did not aim to assess the appropriateness of the corrective actions arising in each complaint. Rather, the focus was on examining whether the ABC was responsive in:

- fully carrying out the promised or recommended action in each case;
- doing so in a timely manner, within 30 days of the date of decision; and
- informing the complainant about any substantial impediments or decisions affecting the extent to which, or manner in which, a particular corrective action was to be implemented.

In nearly every case, Divisions confirmed that the corrective actions had been carried out. In some cases, the action had been completed prior to the complaints body finalising its decision.

### 1. Letters to complainants and complaints body

In one case involving a complaint about a *Foreign Correspondent* program, the ICRP recommended that the ABC write to the complainant apologising in similar terms as in its letters sent to other persons who had made similar complaints to ACMA. The News Division and A&CA advised that the letter of apology had been sent out prior to the ICRP review.

In another case involving a complaint about broadcast of *The Science Show*, the ABC was to provide the complaints body, ACMA, with a copy of the letter to the complainant once it had been sent. The Radio Division advised this was done within three days of the complainant's letter being written. While the letter was not finalised until 13 months after the date of ACMA's decision, the delay is understandable in light of the negotiations that needed to occur between the ABC and the complainant in settling a statement to be published online (discussed in the next section).

### 2. Seeking and publishing a statement from the complainant

The complaint relating to *The Science Show* also generated a corrective action endorsed by ACMA that the ABC seek a statement from the complainant setting out his viewpoint on relevant aspects of the program



which was the subject of a complaint about lack of balance. The complainant was one of the subjects in a story broadcast on 3 September 2005 and had successfully argued that the ABC had not given him an opportunity to respond to allegations made about him in the program. The ABC had, in response to ACMA's preliminary report, proposed to approach the complainant to seek his viewpoint and, while reserving the right to edit it, publish it as an addendum on the program website. ACMA endorsed this action as an appropriate response to address the issues raised, finalising its investigation on 6 October 2006.

The complainant's statement was subsequently obtained and published on the program website on 9 November 2007, 13 months after ACMA's decision. The Radio Division explained that the delay was due to disagreement between the ABC and the complainant over the text of the addendum to be published online, with the original response containing extraneous matters not covered by the ACMA investigation. Further delay arose due to potential legal ramifications of the complainant's suggested text. There had been a significant amount of correspondence and discussion between the complainant and the ABC (including ABC Legal) and revisions to the addendum before it was published.

### 3. On-air notification

In *The Science Show* case already referred to, the ABC had also undertaken to ACMA that it would broadcast an announcement on the program alerting listeners to the online publication of the complainant's statement. Although the statement was published on the program website on 9 November 2007, an on-air announcement had not occurred by the end of 2007. The Radio Division advised during the course of this Quality Assurance Project that an announcement would be made on the first program of this year, on 2 February 2008. The announcement was made on that date.

The Radio Division advised that the delay in making the on-air notification was an oversight caused in part by the length of time and complexity in resolving this matter with the complainant and, upon realising the announcement had not been made at the end of the year, the Manager of Radio National deemed it preferable to avoid the six-week summer season of repeats and give the announcement better prominence by including it in the first program of 2008.

### 4. Staff notifications, reminders and counselling

In a number of cases, the complaints body suggested, or endorsed a proposal by the ABC, that the ABC to take some action with relevant staff with a view to avoiding a recurrence of the breach. The specific actions included simply bringing the reasons for the breach finding to the attention of staff. Or, the complaints body may have recommended that staff be reminded or counselled about the complying with the editorial requirements set out in the Editorial Policies and related documents (e.g., the News Style Guide).

The News, Radio and Television Divisions appear to implement these types of action in a similar fashion – through individual and/or team briefings that occur immediately or shortly after the complaint body's decision was received. In one case, relevant staff were counselled about complying with editorial obligations prior to the complaints body finalising its decision, when a draft determination was received.

In another case, the News Division was unable to confirm whether staff were reminded about editorial requirements associated with reporting on crowd sizes. However, the Division advised that relevant staff would have been made aware of the issues giving rise to a complaint as part of the investigation, and that staff are routinely reminded of the relevant guidelines in the Style Guide. News staff were also reminded of the section on crowd sizes when it was subsequently revised and reissued.

### 5. ACMA recommendations: Review of procedures & review of the Code of Practice

In one case (*Four Corners*' "Lords of the Forest", decided 20 July 2006), ACMA expressly recommended that the ABC take two actions:

- 'In relation to the breach finding regarding timeliness, the ABC should make specific reference in the code to what it considers to be 'timely' when correcting errors when the code is next reviewed to prevent a recurrence of timeliness breaches.

- 'In relation to the breach finding regarding impartiality, the ABC should review its procedures for preparing television current affairs programs so that every reasonable effort is made to ensure the impartiality of those programs.'

*Were these recommendations 'reportable' to the Minister, if the ABC failed to duly carry them out?*

Although ACMA cannot compel the ABC to carry out a corrective action, it is authorised under section 152 of the *Broadcasting Services Act 1992* to recommend that the ABC take specified actions in relation to the complaint. This may include, but is not limited to, broadcasting or publishing an apology or retraction. Where ACMA has made recommendations under section 152, and the ABC fails to take specified action within 30 days of the recommendation being given, ACMA may report to the Minister on the matter and the Minister must table the report in Parliament.

It does not, however, appear that these recommendations were formally made under section 152 of the *Broadcasting Services Act*. A&CA advised that no formal notice was received from ACMA and ACMA took no follow-up action with the ABC.

A&CA noted that, in one previous instance involving a complaint determined in 1999 by ACMA's predecessor (the ABA), the ABC was issued with an official notice that expressly stated, 'Pursuant to section 152 of the Broadcasting Services Act 1992', and included the exact form of words that they required the ABC to broadcast as apology. This 1999 notice under section 152 was expressly referred to in ABA's investigation report into that complaint,<sup>24</sup> and the notice was mentioned in the ABA's 1998-99 annual report.<sup>25</sup> The *Four Corners* investigation report does not include any mention of a notice having been issued under section 152, nor does ACMA's 2006-07 annual report refer to such a notice.

*Assessing whether corrections are timely*

In the *Four Corners* case, ACMA was not satisfied that the ABC corrected the errors in a timely manner. The program was broadcast on 16 February 2004, and the ABC had acknowledged the error to the complainant in an earlier investigation on 8 April 2004. The website corrections were not made until 11 May 2004. ACMA found the website corrections was not posted in a 'timely' manner.

The News Division pointed out that, as part of the 2006 review of the Editorial Policies, the Code reference to 'timely' was replaced with the phrase 'in an appropriate manner as soon as reasonably practicable'. It appears that this revision may not address ACMA's concern, as it is still unclear what is meant by 'as soon as reasonably practicable'. The revised Code of Practice took effect in March 2007.

Consideration should be given to developing, as part of the ABC's overall corrections policy, timeliness standards for correcting inaccuracies. As a preliminary step, it may be useful to first set up a tracking system to establish what the current standards and practices are for correcting inaccuracies of various types and degree. As the New York Times recognised, a corrections tracking system would help avoid repetition of errors by enabling patterns to be identified in order to propose better practices and to inform staff training.<sup>26</sup>

Timeliness standards may be expected to differ depending on the complexity of a complaint and the matter considered for correction. In grading matters that relate to inaccuracy, it may be useful to adapt the test created for *Quality Assurance Project 2: Accuracy*:

*Wholly accurate*: No apparent errors at all.

*Substantially accurate*: No more than one apparent error which makes no substantial difference to the overall accuracy of the information conveyed.

*Immaterially inaccurate*: An error or errors that are not reasonably likely to result in harm to those directly affected by the report, a material misunderstanding among listeners, or damage to the ABC's reputation.

*Materially inaccurate:* An error or errors that make a substantial difference to the overall accuracy of the information conveyed in that it is reasonably likely to result in harm to those directly affected by the report, material misunderstanding among listeners, or damage to the ABC's reputation.

In setting standards for corrections, it should be clear whether (and to what extent) these are binding under the Editorial Policies or Code of Practice and therefore susceptible to founding a complaint independent of the matter from which the proposed correction arose. In keeping with the current Editorial Policies and Code, any binding standards should be limited to significant (and not minor) errors.

**Recommendation 1:** Consideration be given by Directors and the Managing Director to establishing a corrections tracking system to enable patterns and types of errors or inaccuracies to be identified to avoid repetition, improve practices, and assist in the setting of timeliness standards and development of a corrections policy.

### *Proposed corrective action relating to impartiality*

ACMA's second recommended action arising out of the *Four Corners* case was that the ABC review its procedures for preparing television current affairs programs so that every reasonable effort is made to ensure the impartiality of those programs. ACMA appeared to have been particularly concerned about the use of emotive and subjective language by the reporter throughout the program.

The decision notes that the ABC did not accept ACMA's view during the preliminary finding stage. In the ABC's view, ACMA had taken a number of the journalist's phrases out of context, had not given adequate weight to the nature of the report or the journalist's role in reporting from location, and described some of the phrases as emotive when they would be better described as colourful.

The News Division advised that they did not consider that ACMA had suggested a formal review of its procedures for preparing current affairs television programs be undertaken. Nonetheless, News informally reviewed its own processes in ensuring impartiality. Also, during the whole process of dealing with this complaint both the program team and editorial management considered the issues of impartiality and the use of emotive and subjective language, and how they were dealt with in this particular episode of *Four Corners*. Those considerations and the implications of the findings as they applied more broadly to programs were also considered by the News executive.

News also noted that these issues are considered in every formal review of *Four Corners* and other programs produced by the News Division. Since the complaint was finalised in 2004, there has also been considerable change in personnel in national current affairs programs, including the appointment of a new Head of National Programs and a new Executive Producer of *Four Corners*. The Head of National Programs has led a strong drive to ensure that in the planning and production of programs, issues of impartiality are a key part of the editorial process. This has been done through regular program meetings, national phone hook-ups with executive producers, Editorial Policies training, Editorial Policies conferences and formal program reviews, as well as occasional notes to staff about Editorial Policies and the Style Guide.

News also referred to a special session on impartiality held in late 2007 by the Head of National Networks at an Executive Producer's conference in Sydney. In the lead-up to the conference, the Editorial Policies were given the Director, Editorial Policies' discussion paper on impartiality and the Editorial Policies Director attended the session and led a discussion on the topic.

## 6. Online corrections, clarifications etc.

In a number of cases, the corrective action which the ABC undertook to carry out involved making an online correction, clarification or addendum. After reviewing these, it became apparent that there are some inconsistent practices in how the ABC handles online corrections and that greater clarity and consistency would be beneficial. Having gone through the complaints process, it is in the interests of both the ABC and a complainant that the correction process work well. Some issues that could be further examined include:

- When should online corrections be posted? Should a correction notice include the date it was posted?

In most cases, online corrections appear to have been posted prior to, or shortly after, the date of the complaints body's decisions. In some cases, a Division was unable to advise when the correction had been posted, as the date had not been included with the correction.

The News Division suggested that there be a requirement that any corrections or notes on program websites include the date the note was posted.

The Editorial Policies currently require that, when any significant new information is added in an editor's note attached to online content, the date and nature of the changes be recorded (section 4.3.5). Consideration might be given to clarifying or extending the circumstances in which this requirement applies.

- Should the online correction include some explanation of what prompted it / why it was posted?

Although the practice was not consistent, a number of online corrections did refer to the fact that the story had been the subject of a complaint and the online note summarised the outcome of that complaint. On occasion, the online post included a link to the complaints body's decision.

The News Division suggested that there be a requirement that online corrections state whether the note was posted at the recommendation of a complaints body, which body recommended it and on what date.

This suggestion is consistent with the obligation imposed under the section 13.9.2 of the 2007 Editorial Policies, which states: 'Where the CRE, the ICRP or ACMA has reviewed a complaint about content and determined that a complaint is upheld, details of the findings of the review body will be made available via an appropriate link on the content's website, wherever materially practicable.'

- Should online corrections be carried out for all identified errors, regardless of seriousness? Should there be a separate process for handling simple or technical errors otherwise than as a potential breach of the Editorial Policies?

The Radio Division suggested that a more tailored and proportionate approach might be adopted to different kinds of error, and that consideration should be given to the impact of both the error and the consequences of corrective action on the wider audience. For example, where a minor error with little consequence occurs, it may be sufficient to acknowledge the error to the complainant but unnecessary to take further (public) action that might confuse, alienate or appear nonsensical to the broader audience.

A&CA suggested that a distinction be drawn between online corrections and on-air corrections: inaccurate material published online should always be corrected as soon as an error is identified, regardless of seriousness; it would be excessive, on the other hand, to rectify every inaccurate statement made on radio or television through an on-air correction. The persistent availability of online content means there is a risk that further complaints could be received about the same inaccuracy, with the potential for breach findings to be issued in each case.

Other issues that might be considered during the development of a more detailed corrections policy include:

- *Presentation*: How should corrections be presented? What form should different types of correction take? How should they be identified (e.g., as a 'clarification', 'editor's note', 'producer's note', 'addendum')? What level of explanatory detail should accompany various types of corrections?
- *Integrity of the record*: How should the old (inaccurate or misleading) information be dealt with? Are there circumstances where the old information be deleted without reference to there being a correction ('scrubbed')? Or should the error be left intact, alongside the correction?
- *Removal*: In what circumstances should information be removed from the website? When is a retraction warranted, and how should this occur in an online context?

- *Broadcast and/or online:* In what circumstances should an on-air announcement be made alerting audience members to the posting of an online correction? In what circumstances is it preferable for an on-air correction to be made, in addition to or instead of an online one?
- *Form:* Where the original report was in a broadcast, vodcast or podcast, should the correction take the same form?
- *Location online:* Where should online corrections be located? Alongside the story or program/episode transcript in question? Aggregated on a 'corrections page'? How prominent should the correction be?

**Recommendation 2:** The Director Editorial Policies, in consultation with the Editorial Policies Group, should develop and the Managing Director should be requested to endorse, a Guidance Note to underpin the commitment in the Editorial Policies to the correction of errors.

## C. Communication, coordination and monitoring

Communication and coordination of responses are essential components of an effective complaints handling system. A decision to take corrective action, which is relevant to the complainant and to staff within the organisation, should be communicated to them as soon as possible after the decision is made or the action taken. Monitoring the progress or status of corrective actions is critical to ensure that implementation occurs in each case and any delay or problem is noticed and addressed.

Divisions were asked:

- whether the complainant was advised that corrective actions were to be carried out;
- what the procedure was to ensure that staff who were responsible for making the content were made aware of what corrective actions were to be carried out by the ABC;
- who was responsible for implementing corrective actions, and who for monitoring the progress of implementation; and
- what systems are in place to monitor and report on the status of corrective actions.

### 1. Responsibility for carrying out, coordinating, and monitoring the implementation of corrective actions

The News Division advised that their general process for communicating and coordinating the implementation of corrective actions was to some extent dependent on which complaints body dealt with the matter. Where the complaint was determined by ACMA or ICRP, that complaints body sent its report to A&CA, who then forwarded the report onto the responsible person within the News Division, the Head of Policy and Staff Development. Where the complaint was being reviewed by CRE, the draft report was sent to the Head of Policy and Staff Development to check, and then sent on to the Director of News. The findings are communicated by the Policy and Staff Development unit to the Head of the relevant coverage area and the manager of the program involved (either the Executive Producer or the State Editor) with instructions to implement the corrective action. Monitoring is usually jointly overseen by A&CA and the Policy and Staff Development unit in News, who check to see that the corrective action occurs and follow up with reminders where necessary.

The usual procedure in the Radio Division for communicating the outcomes of a complaint decision is for the Director of Radio / Radio Policy and Administration to communicate with the relevant Network Head and, as appropriate, further down the editorial chain. It is divisional practice that the status of corrective actions is monitored in monthly governance reports prepared by A&CA for the ABC Board. In one particular case, the Director of Radio and Head of National Networks were regularly briefed about developments in the complaint.

In the one complaint within this project's scope that affected the Television Division, the process for communicating the corrective action to staff involved the Head of Programming distributing ACMA's finding to relevant staff and then leading a briefing in which the findings were discussed. In general, the relevant Head of Department is responsible for implementation and the TV Policy department is responsible for monitoring the progress or status of corrective actions.

Where multiple Divisions are involved in implementing a corrective action, this would usually be coordinated by A&CA.

## 2. Reporting and record-keeping systems for monitoring the status of implementation

Divisions use varied methods for tracking the status of corrective actions.

The News Division keeps files of the complaints bodies' final decisions, together with the original complaints. There is no centralised register of all complaints bodies' reports and outcomes, or corrective actions and the date they were implemented. Management in News is kept informed of the status of corrective actions by the Policy and Staff Development unit, working in collaboration with A&CA or CRE, as appropriate.

The Radio Division similarly keeps paper and electronic records of complaints and responses, and is currently looking at developing a database to strengthen its monitoring of corrective actions. The ABC Board is kept informed of the status of corrective actions in Radio through governance reports.

The Television Division is introducing a system to facilitate monitoring and reporting on the status of corrective actions. The system will involve the use of an Excel spreadsheet for tracking each complaint, with fields identifying the relevant program, complainant, head, production type, executive producer, nature of the breach, decision body, Board report, and details of the outcome and remedial actions.

The News Division suggested that it might be useful to have a covering sheet for each relevant complaint setting out what corrective actions are to be implemented, who is responsible for carrying these out, and when the action was completed. Such a proposal could enhance the effectiveness of the ABC's carrying out of corrective action by clearly identifying in each case, in a simple and standardised way, precisely what actions were to be undertaken, by whom and when.

**Recommendation 3:** Divisions, in consultation with A&CA, consider the merits of using a standardised form to monitor the status of corrective actions identified in investigation decisions into upheld complaints. Such a form could identify which corrective actions are yet to be carried out, who is responsible for implementation, and include details to track the progress and finalisation of each corrective action.

The News Division also suggested that it may be useful to establish a single centralised ABC register of all of the complaints bodies' decisions, with recommended corrective actions, their outcome and relevant dates. Such a register could be accessible by relevant areas in the Divisions through a shared file, or the TRIM storage system, or through the ABC intranet.

The creation of a register or database of complaint outcomes could prove useful in other ways. For instance, it could assist Divisions in advising on editorial issues that arise from time to time as the database could be searched to determine whether similar issues have arisen before and how these issues were addressed by both the ABC and by complaints bodies. While it is understood that A&CA maintain this sort of database and can interrogate it whenever requested to do so by a Divisional representative, it would be useful if Divisions had more direct read-only access. A&CA have advised, however, that this proposal has already been explored and would entail significant licensing and software modification costs. In light of the potential value of such a register, together with the converging nature of content across platforms and the multi-Divisional relevance of many complaints results, the proposal should be revisited.

There may also be scope to utilise the ABC's internet complaints pages in this way. For instance, the complaints section of ABC Online includes a webpage for 'Upheld complaints' (<http://www.abc.net.au/contact/upheld.htm>) which appeared to be still under development when visited

during this project. This might be a useful location to post all reports of upheld complaints and make these more accessible and searchable to the ABC staff and to the wider public.

A&CA have advised that development of the complaints site is already underway to enhance the ABC's public reporting of upheld complaints. The quarterly public reports will no longer be published. Instead, A&CA intends to publish upheld complaints on a more immediate basis, perhaps daily or weekly, probably with a statistical summary each quarter. Summaries of upheld complaints will be published in individual statements on the website, similar to the way 'Recent responses' ([http://www.abc.net.au/contact/recent\\_responses.htm](http://www.abc.net.au/contact/recent_responses.htm)) are done. A&CA advise that these complaints will be able to be searched like any other content on the ABC's website.

As is acknowledged in the next section on 'Transparency of complaints findings' and in Appendix 2, the ABC has been active for some time in making complaints decisions and summaries publicly accessible. What is currently missing, however, is a facility for searching decisions across all of the complaints bodies to locate particular findings of interest (e.g., cases on impartiality or other editorial issues, or relating to a particular program). A general search facility that searches content across the whole of the ABC website is not effective.

To illustrate, using the search facility on the complaints site, <http://www.abc.net.au/contact/complaints.htm>, 19808 results were generated (on 8 April 2008) by a search for the term 'accuracy'. The top five results were:

- an ABC News story from March 2007 about the Victorian Farmers Federation being concerned about more accurate irrigation systems;
- an ABC Rural story from July 2007 about the accuracy of the National Livestock Identification Scheme cattle tagging system;
- an ABC News story from November 2004 about the RACV questioning the accuracy of speed cameras;
- an ABC News story from February 2007 about the accuracy of policing across the Great Barrier Marine Park;
- an ABC News story from November 2003 about the accuracy of intelligence about North Korea's nuclear weapons aspirations.

The search results show up with a side bar allowing the viewer to drill down by topic, including 'complaints about the accuracy'. However, only three results are shown, with only one of these relating to a complaint about the ABC:

- a PM transcript from November 2002 discussing the argument in Victoria about the accuracy of the Liberal's election advertisements;
- a Lateline transcript from October 2007 about the future of the Democrats, which included an editor's note referring to a subsequent complaint that was received by the ABC about the accuracy of elements of the story;
- a PM story from November 2002 about who will oversee complaints about the accuracy of what political parties say about each other in election campaigns.

A more targeted kind of search facility is used by the BBC on their complaints site. The BBC's complaints' pages include a search box (see, e.g., the box located at the bottom of the 'Review complaints reports' page, [http://www.bbc.co.uk/complaints/review\\_reports.shtml](http://www.bbc.co.uk/complaints/review_reports.shtml)) to allow anyone to locate a complaint outcome using any key word (e.g., bias, accuracy, programme title). BBC responses and rulings relating to complaints can also be browsed ([http://www.bbc.co.uk/complaints/read\\_responses.shtml](http://www.bbc.co.uk/complaints/read_responses.shtml)) by platform (TV, radio, web) and subject area (e.g., accuracy, bias, standards).

Making it easier for both ABC staff and the wider public to search and locate complaint decisions of interest has multiple benefits. Internal decision-making can be improved by having ready access to past thinking and resolution about issues that may arise again. Public access allows audience members and potential complainants easy access to complaint outcomes and reasoning, enhancing the ABC's transparency and accountability.

**Recommendation 4:** Directors and the Managing Director consider the costs and benefits of the ABC establishing a centralised shared internal database of complaint decisions that can be readily and directly searched.

**Recommendation 5:** Further consideration should also be given by Directors and the Managing Director to providing a publicly accessible, searchable database of outcomes of complaints, subject to legal and other relevant considerations.

## D. Public reporting of complaints

The ABC's publicly available reports were examined during the course of this project to identify those complaints decisions falling within scope. As a result of this process, a number of issues were identified relating to the ABC's current and past reporting practices which are noted in brief below. The detail underpinning these findings is set out in Appendix 2.

### 1. Transparency of complaints findings

The ABC's public accountability and its transparency in how it handles complaints is enhanced through its publication of complaints decisions and summaries. The ABC's existing use of the internet ensures that the information about decisions determined by A&CA, CRE and ICRP is widely and readily accessible to the public. The ABC publishes complaints information through a number of online publications and mechanisms. These are summarised in Appendix 2.

The accessibility of ABC complaint outcomes and decisions is generally equal or superior to that of comparable public broadcasters, commercial media and media self-regulation organisations within and outside Australia. Nevertheless, improvements can still be made.

A number of gaps and inconsistencies in the public reporting of complaints outcomes were identified. These are set out in Appendix 2 and underpin the following recommendations:

**Recommendation 6:** Public reporting of CRE cases should clearly distinguish between complaints determined at first instance from those dealt with upon review.

**Recommendation 7:** Consideration be given to publishing the full text of ICRP decisions determined prior to September 2005, subject to any legal, cost/benefit or other factors.

**Recommendation 8:** Access to ICRP (and other complaints decisions) should be consistent across the various entry points (whether via the corporate publications page, or the complaints 'ICRP Findings' page).

**Recommendation 9:** Consideration be given to including within the ABC's complaints pages links to ACMA decisions relating to the ABC. Where possible, and with any necessary permissions from ACMA, significant non-breach findings should also be made accessible through the ABC website.

**Recommendation 10:** Consideration be given to further publicising ACMA's breach and non-breach findings through, for example, lists or tables in the ABC's annual reports and, where appropriate, through corporate media releases and notations and links on the program websites concerned in the complaint. This would be consistent with section 13.9.2 of the Editorial Policies.



## 2. Investigated complaints resulting in breach findings

According to the complaints statistics published in the ABC's annual reports for the past three financial years, relatively few complaints have resulted in determinations that the ABC had breached its editorial standards. And, relatively few complainants have sought review of their complaint with either the internal or external complaints bodies.

More than 94% of written complaints finalised by A&CA result in a finding that editorial standards were not breached. However, there is some disparity in the complaints figures reported in the ABC's annual reports as compared to its quarterly *Public Reports on Audience Comments and Complaints* (see Appendix 2).

It also seems that the quarterly (and potentially, the annual) figures reported for finalised written complaints is not necessarily indicative of the number of complaints alleging a breach of the editorial standards under the Editorial Policies and/or Code of Practice. The quarterly reports set out the range of issues that are raised in the finalised complaints. These include issues that seem to clearly fall within the Editorial Policies and Code of Practice (such as balance, bias, factual inaccuracy, unfair treatment, intrusiveness / invasion of privacy, inappropriate content, sensitivity and portrayal, incidental advertising) and issues which appear to fall outside of the editorial standards to which the ABC is held to account (such as audience preferences about the quality or scheduling of programs, personal presentation [e.g., pronunciation] and production value [e.g., set design and camera work], transmission and technical difficulties, and management issues).

Including all manner of complaints in the one figure has the consequence of making it difficult to ascertain what proportion of complaints are made under the Editorial Policies / Code of Practice. Accordingly, the proportion of upheld editorial breaches (roughly 3-4%) will not be truly representative as the figure is calculated on the basis of both editorial and non-editorial complaints.

The BBC Trust makes this distinction between editorial and non-editorial complaints as a means of clarifying which complaints it reviews, and which it does not.<sup>27</sup> The distinction could be useful for the ABC in:

- clarifying that not all complaints are subject to review by CRE, ICRP and ACMA;
- offering a shorthand way to describe those matters which are subject to mandatory referral to A&CA as written editorial complaints (under section 13.5), and those which can be dealt with informally by the switchboard operator and program areas (under section 13.4, editorial complaints by telephone; and section 13.6, non-editorial complaints); and
- elucidating in the ABC's public reports that the vast majority of complaints are not about editorial content and therefore not capable of being upheld as a breach of the editorial standards.

A&CA advised that they have, for some time, been trialling a method of better distinguishing between complaints that are investigated and those that are not. This desire to better distinguish between the types of complaints has guided the recent restructure of A&CA into two separate units: an investigative unit to focus on complaints about Editorial Policy and Code of Practice matters; and an audience liaison unit to bring together the existing program audience liaison and reception audience liaison functions.

**Recommendation 11:** A&CA continue its work on reviewing how complaint figures are calculated and reported so that the ABC clearly distinguishes between editorial and non-editorial complaints and breaches.

It was apparent when examining complaint outcomes that very few complainants seek review by the ABC's internal or external complaints body (CRE and ICRP, respectively), or by the government regulator (ABA/ACMA). About 80% of complaints are not upheld upon review.

Disparities in reported complaints figures for CRE decisions emerged when comparing the ABC's annual reports with the quarterly *Public Reports on Audience Comments and Complaints*. (More specific detail is set out in Appendix 2.) Some minor disparities were noted between the annual and quarterly reporting of ACMA decisions.

CRE has suggested that, given the CRE's status as an independent tier of review, there may be an argument for CRE to report independently from A&CA and publish separately online. However, CRE noted this would add to the office's administrative load and may confuse consumers looking for a consolidated report.

**Recommendation 12:** Consideration be given, in consultation with A&CA and CRE, to reviewing how complaint figures for CRE decisions (including investigations at first instance, reviews, and adjudications) are calculated and reported in annual and online reports.

## Appendices

### Appendix 1: List of questions for response by relevant Divisions

#### QA Project 1: Verification of Corrective Actions

#### LIST OF QUESTIONS FOR RESPONSE BY RELEVANT DIVISIONS

##### Communicating and coordinating the implementation of corrective actions:

1. Was the complainant advised that corrective actions had been noted, endorsed, suggested or recommended? If not, why not?
2. What is the procedure for ensuring responsible Divisions and staff are made aware of the outcome of a complaints body's decision and the corrective actions that the complaint body noted, endorsed, suggested or recommended be carried out by the ABC?
3. Who, within each responsible Division or complaints-handling area, is responsible for (a) implementing corrective actions, and (b) monitoring the progress or status of corrective actions? How is this coordinated where there are multiple Divisions responsible for implementing a corrective action?

##### Implementation of the corrective actions identified in this project:

4. Have the corrective actions been carried out in each case? How can this be confirmed?
5. How long, from the date of the complaints body's decision, did it take for each corrective action to be carried out? If implementation of a corrective action took longer than 30 days from the date of decision, what was the reason for the delay?
6. What issues arise (if any) that affect implementation of corrective actions in cases where there is substantial delay between the date the complaint is made and when it is finally determined?
7. If there are cases in which particular corrective actions could not or would not be implemented, why did this occur?
8. Assuming complainants are advised that corrective actions were to be implemented, is there any record of a complainant follow-up (e.g., a complainant asking about any delay in implementation, or querying the extent to which, or manner in which, a particular corrective action was implemented)?
9. If the corrective action could not or would not be taken, was the complainant provided with reasons for this decision?

##### Monitoring and reporting on the status of corrective actions:

10. What systems are in place to monitor and report on the status of corrective actions (e.g., recording what corrective action was suggested in each case, how it was implemented and by whom, when it was carried out, and when the complainant was informed of the result)?
11. How is management informed of the status of corrective actions, including any need for follow-up actions?

##### Identifying strengths and weaknesses, and recommending improvements:

12. In the view of key relevant staff and internal complaints handlers, what are the strengths and weaknesses associated with the current procedures for implementing and monitoring corrective actions? What improvements could be made?

## Appendix 2: Public reporting of complaints – specifics

### Transparency of complaints findings

The level and type of complaints details published online by the ABC range from full reports of the decisions, to case summaries, statistics, media releases, and online addenda to program websites. Specifically:

- Full text ICRP decisions are routinely published online (since October 2005),<sup>28</sup> with case summaries published in an appendix in ABC annual reports that have been posted on the website dating back to 1994-95.<sup>29</sup>
- Since at least July 1998,<sup>30</sup> media releases have been used to publicise the ICRP's findings. Since October 2005, these media releases have included a link to the full text of the ICRP decision.
- In late 2007, the ABC revamped its complaints webpages. This included the creation of a single webpage for 'ICRP Findings' which consolidates most of the full text decisions and, where these are not available, the relevant media release for ICRP matters dating back to July 1998.<sup>31</sup>
- On a number of occasions, a program website will refer in an editor's note or online addendum to a complaints body decision relating to a broadcast or story that was the subject of the complaint.<sup>32</sup>
- Summaries of complaints upheld by A&CA and CRE are set out in quarterly *Public Report on Audience Comments and Complaints*, which have been published since March 2003 and date back to complaints finalised since October 2002;<sup>33</sup>
- The quarterly public reports also include tables of statistics on complaints outcomes handled by A&CA, with figures arranged by complaint issue (e.g., scheduling / program changes, inappropriate content, intrusiveness / invasion of privacy, standards of interviewing and of presentation, captioning, transmission, management issues, balance, bias, factual accuracy).
- The ABC's annual reports routinely publish statistics on the number of complaints finalised by the ABC, and figures are provided on the number breaches upheld by each of the four complaints bodies. Full text annual reports are available on the ABC website dating back to 1994-95.<sup>34</sup>

The online accessibility of ABC complaint outcomes and decisions is generally equal or superior to that of comparable public broadcasters around the world (such as the BBC<sup>35</sup> and CBC<sup>36</sup>) and other commercial media and media self-regulation organisations within Australia (such as SBS,<sup>37</sup> FreeTV,<sup>38</sup> and the Australian Press Council<sup>39</sup>).

This finding is consistent with that put forward by A&CA during 2002-03, referred to in the national Auditor-General's 2003-04 follow-up audit into the ABC's corporate governance.<sup>40</sup>

Nevertheless, there is room for improvement. During the project, it became evident that there were gaps and inconsistencies in the ABC's reporting of complaints:

- Publication of the public report for the final quarter in 2006-07 was not made available on the ABC website until February 2008, more than 6 months after the end of the quarter.
- CRE deals with three kinds of matter:
  - it reviews complaints where the complainant is dissatisfied with A&CA's decision;
  - it investigates matters at first instance; and
  - it adjudicates disputed outcomes between A&CA and the relevant Division.

There appears to be some inconsistency in how these types of cases are reported in the quarterly and annual reports in that there is not always a clear distinction of the nature of the cases finalised and upheld. While the annual report tends to specify the number of adjudications, reviews and first-

instance investigations were finalised by CRE, the quarterly reports do not. As will be evident in the next section of this report, it appears that adjudications may not be included in the quarterly report, despite the annual report consistently suggesting that all CRE's are published quarterly on the website.

- A number of full-text ICRP decisions are not publicly available, including three finalised in 2003-04 and decisions dating back to the establishment of the ICRP in 1991.
- The complaints page for 'ICRP Findings' includes most, but not all, media releases relating to finalised decisions. For instance, it omits reference to the ABC media release relating to a May 2006 decision concerning *Lateline*,<sup>41</sup> and a number of ICRP cases determined in 2004-05 are not listed.<sup>42</sup>
- With the exception of annual report statistics for the number of complaints ACMA investigated and found to be in breach of the ABC Code of Practice, the ABC does not generally publicise ACMA's findings. There have been occasions, however, where a program website will refer,<sup>43</sup> and occasionally link,<sup>44</sup> to ACMA's breach finding. (And in one recent case,<sup>45</sup> the ABC program website linked to a non-breach finding of ACMA.) In rare cases, a breach finding against the ABC will be reported as a news story.<sup>46</sup>

ACMA itself publishes the full text of its decisions where it finds the ABC to have breached the Code of Practice, although the link to one of its decisions was not 'live' until they were contacted by the Editorial Policies Division during the course of this project. Tables listing brief (one-sentence) summaries of breach and non-breach findings are included in ACMA's annual reports.

## Investigated complaints resulting in breach findings

### A&CA investigations

Complaints make up only a quarter of all written and phone contacts the ABC receives each year. Most of these contacts relate instead to audience members expressing appreciation, offering suggestions, making comments, enquiring about scheduling or transmission, and requesting information.

There is some disparity in the publicly reported figures for complaints finalised by A&CA:

- According to the annual reports, A&CA finalise about 8,700 to 15,500 written complaints each year. Each year, the A&CA upholds about 375-550 written complaints.
- According to the quarterly *Public Reports on Audience Comments and Complaints*, the total annual number of written complaints finalised by A&CA is about 12,000 to 21,600 each year, with about 490-510 upheld.

Both the annual and quarterly reports indicate that the A&CA determines that no breach has occurred in the vast majority (at least 94%) of complaints finalised each year.

The figures reported in the annual reports and quarterly public reports are set out below.

Financial year	Written complaints determined by A&CA		Upheld complaints (% of all complaints)	
	annual report figures	quarterly report figures	annual report figures	quarterly report figures
2004-05	15,571	12,023 = 2340 + 4064 + 2909 + 2710	494 (3.2%)	491 (4.1%) = 83 + 115 + 102 + 191
2005-06	8,708	13,437 = 4013 + 3254 + 3025 + 3145	500 (5.7%)	492 (3.7%) = 165 + 149 + 87 + 91
2006-07	15,309	21,602 = 4607 + 8376 + 3538 + 5081	554 (3.6%)	511 (2.4%) = 164 + 136 + 101 + 110
<b>TOTAL</b>	<b>39,588</b>	<b>47,062</b>	<b>1,548 (3.9%)</b>	<b>1,494 (3.2%)</b>

A&CA have advised that there has been some imprecise language used in these reports. A&CA explained that the difference between complaints finalised figures for annual and quarterly reports over the last couple of years was probably due to the quarterly reports counting all complaints that were processed and counted as closed, whereas the figure in the annual report refers to written complaints that were personally responded to. A&CA advised that this disparity will be addressed in future reports.

A&CA also explained that the discrepancy for upheld complaints figures in 2006-07 appears to be the difference between complaints and complaint issues, and suggested that the language could be made more precise.

Internal and external reviews

As described in the Background section of this report, three other bodies besides A&CA may deal with complaints about ABC content. The other complaints bodies deal each year with far fewer matters than A&CA. According to the ABC’s annual reports for the last three financial years, CRE investigates 35-47 complaints; CRE also adjudicates between Divisions and A&CA 3-7 cases a year; ICRP finalises 3-7 cases a year; and ACMA/ABA investigates between 10-19 complaints a year.

The proportion of complaints that are upheld varies:

- Generally, CRE upholds complaints in 0-20% of the cases it reviews. Where CRE adjudicates a matter, it tends to find in favour of A&CA (that is, CRE upholds the complaint) 75% of the time;
- Complaints upheld by ICRP ranged from 0% to 60% to 100% over the three financial years;
- ACMA/ABA upheld a third of complaints in 2004-05 and 2006-07, and none in 2005-06.

The annual reports indicate that, over the three-year period, the three complaints bodies investigated a total of 193 complaints, upholding 39 (or 20%).

It became apparent over the course of the project that the figures in the ABC’s annual report differ from those in its quarterly public reports and, to a lesser degree, to those in ACMA’s annual report. The figures drawn from these public reports are set out and compared below.

CRE determinations and adjudications

It appears that not all CRE decisions that are referred to in the ABC’s annual reports appear in summary form in the ABC’s quarterly public reports. The reports should be aligned, particularly in light of the yearly assurance that, ‘A summary of CRE’s findings is published quarterly on the ABC website’.

A&CA advised that adjudications are not included in the quarterly public report except to the extent that they result in upheld complaints, and that any that have been published in the past have been oversights. A&CA suggested that the wording in the annual report needs to be more precise to reflect this.

The table below sets out and compares the figures derived from the annual and quarterly reports published over the last three financial years.

Financial year	Complaints determined or adjudicated by CRE		Upheld complaints (% of total complaints)	
	annual report figures	quarterly report figures	annual report figures	quarterly report figures
2004-05	44 = 39 (reviews) + 2 (at 1 <sup>st</sup> instance) + 3 (adjudications)	44 = 19 <sup>c</sup> + 11 <sup>a</sup> + 9 + 5	9 (20.5%) = 5 (12.8% reviews) + 2 (100% at 1 <sup>st</sup> instance) + 2 (66.7% adjudications)	10 (22.7%) = 4 + 3 + 1 + 2
2005-06	35 = 29 (reviews) + 6 (adjudications)	30 = 6 + 8 + 8 + 8	6 (17.1%) = 2 (6.9% reviews) + 4 (66.7% adjudications)	2 (6.7%) = 0 + 0 + 1 + 1

<sup>c</sup> The quarterly reports of 2004-05 expressly refer to two complaints being considered by CRE at first instance. One was referred to in the July-September 2004 report, and the other in the October-December 2004 report. There do not appear to be any references to adjudications, however.

2006-07	54 = 47 (reviews) + 7 (adjudications)	47 = 13 + 6 + 14 + 14	6 (11.1%) = 0 (0% reviews) + 6 (85.7% adjudications)	0 (0%) = 0 + 0 + 0 + 0
<b>TOTAL</b>	<b>133</b> = 115 (reviews) + 2 (at 1 <sup>st</sup> instance) + 16 (adjudications)	<b>121</b>	<b>21 (15.8%)</b> = 7 (6.1% reviews) + 2 (100% at 1 <sup>st</sup> instance) + 12 (75% adjudications)	<b>12 (9.9%)</b>

As is apparent from the table, there are a number of disparities in the reporting of CRE decisions across the annual and quarterly reports:

- the figure for total complaints finalised tends to be larger in the annual report;
- it appears that adjudications are not (or not consistently) included in the quarterly reports, and there are unexplained differences such as:
  - assuming adjudications were included in the 2004-05 quarterly reports, the figures for upheld complaints still differ;
  - assuming adjudications were *not* included in the 2005-06 quarterly reports, the figures for reviews still differ.
- in four of the quarterly reports, the number of determinations referred to in the introductory paragraph in the section relating to CRE decisions differs from the number of summaries that then follow:
  - in the January-March 2005 report, 9 determinations are noted yet 10 summaries are set out;
  - in the July-September 2005 report, 6 determinations are noted yet 7 summaries follow;
  - in the January-March 2006 report, 8 determinations are noted but only 7 summaries are included; and
  - in the January-March 2007 report, 14 determinations are noted yet 13 summaries are set out.

A&CA and CRE have both acknowledge that there have been typographical errors and discrepancies in the reported figures. Adjudications have occasionally been reported in the CRE section of the quarterly report in error. The likelihood of error should be reduced with the replacement of quarterly public reports with the more immediate and ongoing online publication of complaints summaries.

*ICRP decisions*

ICRP does not accept every request for review that it receives. ICRP does not accept requests for review where the complaint falls outside ICRP’s area of responsibility, which is limited to considering serious cases of factual inaccuracy, bias, lack of balance or unfair treatment. Generally, only 30-40% of requests are accepted for review.

The number of complaints finalised and upheld each financial year, as set out in the ABC’s annual reports, are summarised as follows:

Financial year	Complaints determined by ICRP	Upheld complaints (% of total complaints)
2004-05	5 <sup>d</sup>	3 (60%)
2005-06	7	0 (0%)

<sup>d</sup> The 5 ICRP complaints decisions from 2004-05 are not published on the ABC website reviewed during the preliminary stage of this project. The upheld decisions were subsequently obtained from the ABC’s Corporate Planning and Governance unit. Neither of these two complaints gave rise to prospective corrective action within the scope of this project.

The appendix to the 2004-05 ABC annual report notes that ICRP decided to deal two separate complaints together as they covered similar ground. These complaints were upheld in part.

*ABC Editorial Policies*

2006-07	3	3 (100%)
<b>TOTAL</b>	<b>15</b>	<b>6 (40%)</b>

*ABA/ACMA decisions*

The ABC annual report figures generally match up with the number of breach and non-breach findings set out in the ABA/ACMA's annual reports. One exception was found.

Financial year	Complaints determined by A&CA		Upheld complaints (% of all complaints)	
	ABC annual report figures	ABA/ACMA annual report figures	ABC annual report figures	ABA/ACMA annual report figures
2004-05	19	19	7 (36.8%)	7 (36.8%)
2005-06	10	10	0 (0%)	0 (0%)
2006-07	16	14 <sup>e</sup>	5 <sup>f</sup> (31.3%)	4 (28.6%)
<b>TOTAL</b>	<b>45</b>	<b>43</b>	<b>12 (26.7%)</b>	<b>11 (25.6%)</b>

Both the number of complaints determined, and the number of complaints upheld, are reported differently for this last financial year by the ABC as compared with ACMA:

- the ABC reports ACMA determined 16 complaints, while ACMA reports only 14. ACMA also terminated one additional matter when the complaint was withdrawn. It is not clear if this terminated complaint was included in the ABC's figure;
- the ABC reports ACMA upheld 5 complaints, while ACMA reports only 4. In one of these upheld complaints, ACMA had issued one report with two investigation numbers (having considered 3 complaints together).

The accompanying narrative in the 2006-07 ABC annual report assists to some extent in explaining why these figures appear to differ. Although it is not clear whether the ABC's figures include the complaint that had been withdrawn and therefore incapable of being finally determined as a breach or non-breach, it appears that ACMA's combined report relating to the same program was treated by the ABC as two separate complaints.

<sup>e</sup> In addition to the 10 complaints determined as breaches or non-breaches, ACMA terminated an 11<sup>th</sup> investigation because the complaint had been withdrawn.

<sup>f</sup> Two of the breaches related to the same program.



## Endnotes

- <sup>1</sup> See pages 2-3 of the ABC's *Annual report 2007*, which estimate 72% of all Australians are reached. The 2006 Census found that (on 8 August 2006) there were 19,855,288 persons resident in Australia: Australian Bureau of Statistics, ,, "2006 Census QuickStats : Australia", 25 October 2007, <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=0&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>.
- <sup>2</sup> ABC *Annual report 2007*, pages 2-3.
- <sup>3</sup> ABC *Annual report 2007*, page 60. A&CA advises that the figure in the annual report undoubtedly understates the actual number of complaints received for the following reasons: The figure does not include telephone complaints received during business hours and forwarded directly to program areas for handling. Nor does the figure include email and written complaints received directly by program areas and not referred to A&CA because they do not allege a breach of the Editorial Policies. These types of matters are not systematically recorded and, as the Radio Division points out, such record-keeping would result in considerable administrative burden without clear value.  
  
An indication of the scale of audience contacts dealt with by program areas can be gained from the ABC's *Annual report 2000-01*, [http://www.abc.net.au/corp/annual\\_reports/ar01/all.pdf](http://www.abc.net.au/corp/annual_reports/ar01/all.pdf), which notes (at page 38) that, "In addition to the hundreds of thousands of contacts made directly to program areas, networks and regional offices, ABC Audience & Consumer Affairs logs audience feedback and coordinates responses where required."  
  
The 2000-01 annual report also notes (at page 40) that a new system of logging audience contacts was in the process of being implemented so that "more relevant and timely information will be available to program makers and senior managers" and (at page 105) that plans were underway "to improve monitoring and data collection on audience complaints and compliments so that perceptions about ABC programming and performance can be analysed."
- <sup>4</sup> BBC Executive *Annual report and accounts 2006/2007*, page 53, <http://www.bbc.co.uk/annualreport/pdfs/commercial.pdf>.
- <sup>5</sup> The per capita level of complaints in both Australia and the UK is 0.20%.\* The latest estimate (in mid-2006) of the resident population in the United Kingdom is 60,587,000: "Population estimates: UK population grows to 60.6 million", 22 August 2007, *National Statistics Online*, <http://www.statistics.gov.uk/cci/nugget.asp?id=6>. [\*Calculation for Australia: 38,884 complaints ÷ 19,855,288 residents. Calculation for the UK: 124,000 complaints ÷ 60,587,000 residents.]
- <sup>6</sup> ABC *Annual report 2007*, page 59.
- <sup>7</sup> ABC *Annual report 2004-05*, page 195; *Annual report 2005-06*, page 208; and *Annual report 2007*, page 209.
- <sup>8</sup> ABC *Annual report 2000-01*, page 38.
- <sup>9</sup> In 1999, ABC management commissioned an independent review of the ABC's 'oral and electronic complaints handling processes which found that there was a need for an integrated system to ensure a more effective means of dealing with audience feedback': page 21, ABC *Annual report 1999-2000*. The review was conducted by the former Deputy Commonwealth Ombudsman, Mr John Wood: page 70.
- <sup>10</sup> The establishment of Audience and Consumer Affairs unit and the Complaints Review Executive in 1992, along with other changes to the complaints handling processes, were noted in the Australian National Audit Office's report, *Corporate Governance in the Australian Broadcasting Corporation – Follow-up Audit*, report no. 38 2003-04, tabled 31 March 2004, pages 51-55, [http://www.anao.gov.au/uploads/documents/2003-04\\_Audit\\_Report\\_38.pdf](http://www.anao.gov.au/uploads/documents/2003-04_Audit_Report_38.pdf).
- <sup>11</sup> See, for example, ABC media release, "ABC reforms its Independent Complaints Review Panel", 5 May 2005, <http://www.abc.net.au/corp/pubs/media/s1360839.htm>.
- <sup>12</sup> For instance, in March 2003, the ABC began to publish quarterly reports summarising complaints dealt with by Audience and Consumer Affairs and the Complaints Review Executive: Russell Balding

- (Managing Director), "Foreward", *ABC Public Report on Audience Comments and Complaints: October-December 2002*, 7 March 2003.
- <sup>13</sup> Editorial Policies, section 13; *Broadcasting Services Act 1992 (Cth)*, Division 2 of Part 11.
  - <sup>14</sup> ABC internal communication, "Speaking to the public (2)", 17 August 2000, All staff message, [http://intranet.corp.abc.net.au/corporate\\_affairs/corporate\\_documents/staff\\_announcements/asm2000/smaug1700.shtm](http://intranet.corp.abc.net.au/corporate_affairs/corporate_documents/staff_announcements/asm2000/smaug1700.shtm).
  - <sup>15</sup> ABC, *Annual report 1999-2000*, pages 68 and 70, [http://www.abc.net.au/corp/annual\\_reports/ar00/section1.pdf](http://www.abc.net.au/corp/annual_reports/ar00/section1.pdf). The appointment of a new head of Audience and Consumer Affairs followed a recommendation in an internal review commissioned by the ABC and carried out by Mr John Wood, the former Commonwealth Deputy Ombudsman.
  - <sup>16</sup> ABC, *Annual report 2001-02*, pages 38-39, [http://www.abc.net.au/corp/annual\\_reports/ar01/all.pdf](http://www.abc.net.au/corp/annual_reports/ar01/all.pdf).
  - <sup>17</sup> ABC, *Annual report 2002-03*, pages 108 and 114, [http://intranet.corp.abc.net.au/corporate\\_affairs/corporate\\_documents/reports\\_submissions/ar03/pdf/abc\\_annual\\_rpt\\_2003\\_section4.pdf](http://intranet.corp.abc.net.au/corporate_affairs/corporate_documents/reports_submissions/ar03/pdf/abc_annual_rpt_2003_section4.pdf).
  - <sup>18</sup> ABC, *Annual report 2002-03*, page 33, [http://www.abc.net.au/corp/annual\\_reports/ar03/pdf/abc\\_annual\\_rpt\\_2003\\_section2.pdf](http://www.abc.net.au/corp/annual_reports/ar03/pdf/abc_annual_rpt_2003_section2.pdf).
  - <sup>19</sup> The ABC Board resolved in February 1991 to set up the Independent Review Complaints Panel, and the first members were appointed in May 1991: page 233 in K.S. Inglis, *Whose ABC? The Australian Broadcasting Corporation 1983-2006*, 2006, Melbourne: Black Inc.
  - <sup>20</sup> The ABC reformed the Panel's jurisdiction and procedures in May 1991: "ABC reforms its Independent Complaints Review Panel", media release, 5 May 2005, <http://www.abc.net.au/corp/pubs/media/s1360839.htm>.
  - <sup>21</sup> Australia, Commonwealth Ombudsman's Office, *A Good Practice Guide for Effective Complaint Handling*, 1997, archived copy available at [http://web.archive.org/web/20000820085652/www.comb.gov.au/publications/good\\_practice.pdf](http://web.archive.org/web/20000820085652/www.comb.gov.au/publications/good_practice.pdf).
  - <sup>22</sup> The preliminary review identified 9 complaints that gave rise to prospective corrective actions. A subsequent review of these revealed that one of the complaints (viz, "Florida widens right to use deadly force", broadcast on ABC Radio National's *Correspondents Report* on 30 April 2005 and made available on ABC Online) was actually not upheld, despite the complaints body identifying an inaccuracy had occurred and this warranted the posting of an editor's note on the story webpage.
  - <sup>23</sup> As noted in endnote 22 and surrounding text, one of the complaints identified within the scope of this project at the preliminary stage turned out to have a "not upheld" finding, despite the complaints body identifying an inaccuracy and recommending a clarification be posted on the website.
  - <sup>24</sup> Australian Broadcasting Authority, *ABA Investigation Report – News broadcast by ABC TV on 30 August 1998*, Investigation report no. 637, decided January 1999, page 7, archived at [http://www.acma.gov.au/webwr/aba/newspubs/radio\\_tv/investigations/broadcast\\_operations/documents/television/1999/637.pdf](http://www.acma.gov.au/webwr/aba/newspubs/radio_tv/investigations/broadcast_operations/documents/television/1999/637.pdf).
  - <sup>25</sup> Australian Broadcasting Authority, *Annual report 1998-99*, tabled 20 October 1999, page 65, archived at [http://www.acma.gov.au/webwr/aba/newspubs/info\\_about\\_us/annual\\_report/past/documents/1998-99/perf.pdf](http://www.acma.gov.au/webwr/aba/newspubs/info_about_us/annual_report/past/documents/1998-99/perf.pdf).
  - <sup>26</sup> New York Times, Credibility Committee (chaired by Allan M. Siegal, assistant managing editor), *Preserving Our Readers' Trust: A Report to the Executive Editor*, 2 May 2005, page 9, <http://www.nytc.com/pdf/siegel-report050205.pdf>.
  - <sup>27</sup> BBC Trust, "Complaints and appeals", undated (last viewed 14 February 2008), <http://www.bbc.co.uk/bbctrust/appeals/>.
  - <sup>28</sup> Full reports of ICRP decisions are publicly accessible via the ABC's corporate "Reports and publications" webpage (<http://www.abc.net.au/corp/pubs/reportsindex.htm>), where pdf versions of the decisions can be accessed. Decisions from September 2005 and the Alston complaint in October 2003 are available. The ICRP decisions finalised during 2004-05 are not accessible, although the ABC's 2004-05 annual report refers to 5 decisions having been made during that period.

- <sup>29</sup> ABC, "ICRP – Summary of Review", appendix 11 in *Annual report 1994-95*, [http://www.abc.net.au/corp/annual\\_reports/ar95/appends.pdf](http://www.abc.net.au/corp/annual_reports/ar95/appends.pdf).
- <sup>30</sup> ABC, "ICRP upholds complaint against an interview broadcast on 2NR Lismore", media release, 2 July 1998, <http://www.abc.net.au/corp/pubs/media/s532273.htm>.
- <sup>31</sup> "ICRP Findings" are listed on their own page (<http://www.abc.net.au/contact/icrp.htm>). The list links to the full record of decisions made since October 2005, as well as the Senator Alston complaint decision published in October 2003. The page links to media releases for cases that were determined during the period 1998-2003. These media releases are summaries and, unlike later media releases post-October 2005, do not link to the full record of decision. The list does not include a comprehensive list of all media releases, and omits any reference (full report or media release) of ICRP cases reviewed in 2004-05.
- <sup>32</sup> See, for example, the reference to a complaint upheld by CRE mentioned in an Editor's Note explaining the addendum to the ABC News story, "Prince Charles shows Melbourne he cares", posted 3 March 2005 and updated 20 April 2005, <http://www.abc.net.au/news/stories/2005/03/03/1315220.htm>. See also the reference and link to an ICRP decision in *Foreign Correspondent's* program "Estonia – Sex Tours" broadcast on 11 July 2006, <http://www.abc.net.au/foreign/content/2006/s1674127.htm>. See also another reference to the ICRP's decision relating to *Stateline WA's* program "Quokkas under threat from logging in the South West" broadcast on 4 August 2006, <http://www.abc.net.au/stateline/wa/content/2006/s1708271.htm>.
- <sup>33</sup> These quarterly reports are available at <http://www.abc.net.au/corp/pubs/reportsindex.htm> and, more recently, [http://www.abc.net.au/contact/public\\_reports.htm](http://www.abc.net.au/contact/public_reports.htm).
- <sup>34</sup> ABC annual reports are accessible at [http://www.abc.net.au/corp/annual\\_reports/arindex.htm](http://www.abc.net.au/corp/annual_reports/arindex.htm). While the annual report for 1993-94 is listed, only highlights are published online.
- <sup>35</sup> The BBC publish quarterly reports summarising significant complaints and providing statistics on all complaints handled by its Editorial Complaints Unit, dating back to January 2004, [http://www.bbc.co.uk/complaints/ecu\\_archive.shtml](http://www.bbc.co.uk/complaints/ecu_archive.shtml). Monthly editorial complaints appealed to the BBC Trust (since January 2007) are available at [http://www.bbc.co.uk/bbctrust/appeals/editorial\\_appeal\\_findings.html](http://www.bbc.co.uk/bbctrust/appeals/editorial_appeal_findings.html), with archived complaints to its predecessors, the BBC Governors, (covering the period, January 2004 to December 2006) available at <http://www.bbcgovernorsarchive.co.uk/docs/complaintsarchive.html>.
- <sup>36</sup> CBC's two Ombudsmen, respectively for English Services (<http://www.cbc.ca/ombudsman/>) and for French Services (<http://www.radio-canada.ca/ombudsman/index.shtml>), publish complaint findings on their website and in their respective annual reports since 2001-02 for the English Services Ombudsman, and 1999-2000 for the French Services Ombudsman. See e.g., CBC Ombudsman, English Services, *Annual report 2006-2007*, [http://www.cbc.ca/ombudsman/page/annualreport\\_2006-07.pdf](http://www.cbc.ca/ombudsman/page/annualreport_2006-07.pdf), and select findings from January 2006 at <http://www.cbc.ca/ombudsman/page/findings.html>. Also see Ombudsman French Services' decisions from March 1999 at <http://www.radio-canada.ca/ombudsman/decisions2007-2008.shtml>.
- <sup>37</sup> SBS established its formal complaints system in 2005: SBS, *Annual report: 2004-05*, page 65, [http://www20.sbs.com.au/sbscorporate/media/documents/809907\\_corporation.pdf](http://www20.sbs.com.au/sbscorporate/media/documents/809907_corporation.pdf). Summaries of complaint outcomes appear in annual reports, but details of those complaints finalised by SBS's internal complaints bodies do not seem to be publicly available.
- <sup>38</sup> FreeTV, the industry body representing all of Australia's commercial free-to-air television licensees, publishes annual Code Complaint Reports (from October 2002) detailing complaints handled by commercial television stations and provides an overview of the complaint outcomes, e.g., FreeTV Australia, *Commercial Television Industry Code of Practice: Annual Code Complaints Report, 1 July 2006 to 30 June 2007*, [http://www.freetv.com.au/media/Code\\_Complaints\\_Reports/Annual\\_Code\\_Complaints\\_Report\\_2006-2007\\_FINAL.pdf](http://www.freetv.com.au/media/Code_Complaints_Reports/Annual_Code_Complaints_Report_2006-2007_FINAL.pdf).
- <sup>39</sup> The APC publishes its adjudications (dating from 2001) on its website, <http://www.presscouncil.org.au/pcs/site/adj.html>, and summaries of complaints and overall outcomes appear in annual reports, e.g. pages 20-45, Australian Press Council, *Annual report 2006-07*, <http://www.presscouncil.org.au/pcs/site/pubs/ar31.pdf>. Current and archived adjudications (dating from 1976) are also accessible through a searchable database on AustLII, the Australian Legal Information Institute, <http://www.austlii.edu.au/au/other/APC/>.

- <sup>40</sup> See para 3.59 in Australian National Audit Office, *Corporate Governance in the Australian Broadcasting Corporation – Follow-up Audit*, Report no. 38 2003-04, tabled 31 March 2004, [http://www.anao.gov.au/uploads/documents/2003-04\\_Audit\\_Report\\_38.pdf](http://www.anao.gov.au/uploads/documents/2003-04_Audit_Report_38.pdf): “3.59 Available comparative information suggests that the ABC complaints handling process is at least equal to processes in other major public broadcasters around the world. During 2002–03, [ABC Audience and Consumer Affairs] compared the ABC’s complaints system to a range of media organisations including the BBC, CBC (Canada), PBS (USA), SBS and Australian commercial television networks. The complaints role of industry organisations, such as CTV for commercial television and the Press Council of Australia for newspapers, was also considered. As is appropriate for a publicly funded broadcaster, the ABC is significantly more transparent and comprehensive in complaints handling and reporting than its commercial counterparts.”
- <sup>41</sup> ABC, “ICRP Decision: Lateline Program”, media release, 24 May 2006, <http://abc.net.au/corp/pubs/media/s1646399.htm>.
- <sup>42</sup> These include media releases relating to ICRP decisions concerning (i) *Four Corners* program “Lords of the Forests” (<http://www.abc.net.au/corp/pubs/media/s1265133.htm>, 14 December 2004); (ii) 7pm Television News (<http://www.abc.net.au/corp/pubs/media/s1297586.htm>, 14 October 2004); (iii) *Stateline Victoria* (<http://www.abc.net.au/corp/pubs/media/s1423359.htm>, 15 December 2004); and (iv) *Four Corners* program “City Limits” (<http://www.abc.net.au/corp/pubs/media/s1393375.htm>, 16 June 2005).
- <sup>43</sup> See, for example, the reference to ACMA’s breach finding that was included in the transcript for *The Science Show* program “What happens to the whistleblowers?” broadcast on 3 September 2005, <http://www.abc.net.au/rn/scienceshow/stories/2005/1451250.htm#>.
- <sup>44</sup> See, for example, references on the *Four Corners*’ program website for the “Lords of the Forests” broadcast on 16 February 2004, which refers (at <http://www.abc.net.au/4corners/content/2004/s1132278.htm>) to a complaint made to ACMA and (at <http://www.abc.net.au/4corners/content/2006/s1703601.htm>) provides a link to ACMA’s decision.
- <sup>45</sup> The webpages associated with the three-part program on *Australian Story*, “Beyond Reasonable Doubt”, broadcast on 17 July 2006 (<http://www.abc.net.au/austory/content/2006/s1686115.htm>, 24 July 2006 (<http://www.abc.net.au/austory/content/2006/s1692653.htm>) and 31 July 2006 (<http://www.abc.net.au/austory/content/2006/s1698813.htm>), each include a link to ACMA’s non-breach finding of 14 August 2007, Investigation report no. 1777, [http://www.abc.net.au/mediawatch/transcripts/acma\\_as.pdf](http://www.abc.net.au/mediawatch/transcripts/acma_as.pdf). This report does not appear to be available on ACMA’s website, except is summary form, [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_310038](http://www.acma.gov.au/WEB/STANDARD/pc=PC_310038).
- <sup>46</sup> See, for example, “ABC’s ‘Four Corners’ breached code of practice: ACMA”, *ABC News*, 27 July 2006, <http://www.abc.net.au/news/stories/2006/07/27/1698940.htm>. Also see, “Authority rules ABC breached program classification guidelines”, *ABC Arts Online*, 12 September 2006, [http://arts.abc.net.au/news/artsnews\\_1738595.htm](http://arts.abc.net.au/news/artsnews_1738595.htm).