

ABC Complaint Handling Process

1. Background, principles and objectives

- 1.1 The ABC welcomes audience engagement in all its forms (inquiries, complaints, feedback and messages of support). The ABC publishes on a variety of platforms and in the reality of today's world, audiences have immediate avenues to provide feedback. While millions of Australians interact with the ABC annually for help and support and with queries and feedback, some 23,500 written complaints are received on average per year via the [ABC complaint form](#). These complaints vary from matters of personal taste and preference to accuracy and impartiality concerns.
- 1.2 The ABC sets itself particularly high standards as outlined in the [Editorial Policies](#). These give the ABC its distinctive character as a public broadcaster. They give practical shape to the requirements of the [ABC Act](#) especially with reference to maintaining independence and integrity and gathering and presenting news and information that is accurate and impartial according to the recognised principles of objective journalism.
- 1.3 Objective complaint handling standards, including fairness, accessibility, transparency, responsiveness and efficiency are the fundamental principles of this process.
- 1.4 Publicly espoused high standards are meaningless without a credible framework for enforcing them. This is especially relevant to the ABC which continuously holds to account, on the public's behalf, others charged with upholding the public interest in the government, commercial or community sectors.
- 1.5 The ABC needs to correct errors swiftly, be willing to clarify and explain decisions, acknowledge misjudgements and, where appropriate, apologise. Audience complaints form part of a public exchange with the ABC from which all parties can benefit.
- 1.6 The effective and efficient resolution of reasonable complaints is the overriding objective of the complaints handling process.

2. Types of complaints

What the complaint is about determines how it is handled.

2.1. *General complaints*

- (a) Written complaints that are about a matter of personal taste or preference, ABC staff or the ABC generally, are considered general

complaints. General complaints include complaints about the personal use of social media by ABC staff.

- (b) Complaints about ABC employees' personal use of social media can be made via the [ABC complaint form](#). However, these are matters of workplace conduct and dealt with by the relevant employee's manager in accordance with the [Personal Use of Social Media Guidelines](#) and the ABC's employee Code of Conduct.

2.2. *Content complaints*

- (a) Written complaints about specific ABC content broadcast or published by the ABC, concerning the ABC's [editorial standards](#) and/or the [Code of Practice \(the Code\)](#) are considered content complaints. The complaint does not need to refer to the ABC editorial standards or use the language of those standards to be considered a content complaint.

2.3 *Exceptions*

- (a) A complaint is not a comment, reply, direct message or other user-generated content posted to social media platforms, websites or other interactive services.

3. Summary of complaints process

- 3.1. The ABC always aims to resolve complaints as quickly as possible. Complaints should be in writing and may be submitted via the [ABC complaint form](#), by email, or by post to: ABC Audience Support, Australian Broadcasting Corporation, ABC Ultimo Centre, GPO Box 9994, Sydney NSW 2001. To help expedite and track complaints, we recommend using the [ABC complaint form](#). Complaints should be limited to 1500 words, and any attachments, such as screen shots, will be considered as supporting documents only.
- 3.2. If a complainant needs help in submitting a written complaint in accordance with these procedures (for example, language, literacy, additional needs), they may call the ABC during business hours on 139 994 and a written summary of the caller's complaint will be made and forwarded to the appropriate area for handling.
- 3.3. All written complaints received via the [ABC complaint form](#) will be responded to by an automatic email explaining likely next steps and will include a reference number.
- 3.4. Written complaints are initially categorised by ABC Audience Support as to whether they are a general complaint or a content complaint.

- 3.5. General complaints will be noted and may be referred to the relevant division for information and/or action.
- 3.6. Content complaints are generally referred to the Ombudsman's Office for assessment.
- 3.7. The Ombudsman's Office may retain a content complaint for investigation, may refer the complaint to a relevant ABC division or may determine no further action is warranted.
- 3.8. The Ombudsman's office has established a review function to provide dissatisfied complainants with an option to request internal review.
- 3.9. A complainant may be able to have a content complaint reviewed externally by the Australian Communications and Media Authority (ACMA).

4. How and when we respond to complaints

- 4.1 The ABC receives many complaints and applies a proportionate approach to complaint handling. This recognises that not all complaints warrant a detailed response and that some complaints will be noted but will not receive a response.
- 4.2 We aim to respond to more simple content complaints either on first contact or within 30 days. However, more complex, significant content complaints may take longer to finalise.
- 4.3 The ABC will not respond to complaints that are offensive, abusive, frivolous, vexatious or not made in good faith.
- 4.4 Anonymous complaints, or complaints made three (3) months from the date the content was first made available will generally not be responded to.
- 4.5 The ABC is committed to respecting the confidentiality of complainants. However, where the complainant is an organisation, or a complainant's identity is a matter of public record, the ABC may identify the complainant publicly.

5. Assessing content complaints – The Ombudsman's Office

- 5.1 The ABC Ombudsman's Office is responsible for assessing most content complaints. The Ombudsman's Office is an office of the ABC independent from the content-making divisions. The Ombudsman's Office is led by the ABC Ombudsman who reports to the ABC Board.

5.2 The Ombudsman's Office has the discretion to accept or reject a content complaint for investigation. Reasons that a content complaint may not be accepted for investigation include:

- (a) the complaint is not serious enough
- (b) the complaint does not meet the definition of a content complaint
- (c) the complaint is anonymous or made three (3) months from the date the content was first made available
- (d) the complaint is offensive, abusive, frivolous, vexatious or not made in good faith
- (e) the complaint is about content which is or becomes the subject of a legal claim
- (f) the Ombudsman's Office exercises its discretion to refer the complaint to a division of the ABC to be handled directly (see section 7 below)
- (g) the content that the complaint is about is no longer available (note that the ABC only keeps records of some content broadcast for 6 weeks).

6. Investigating content complaints – The Ombudsman's Office

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

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

6.2 During an investigation, the Ombudsman's Office will review the content and consult as required with the relevant ABC division before making a preliminary finding about a complaint. Where a preliminary finding is that a complaint is upheld, the Ombudsman's Office may recommend a remedy, but may not mandate one.

6.3 To meet the fundamental principle of procedural fairness, the relevant ABC division will have an opportunity to respond to a preliminary finding. If the relevant ABC division disagrees with a preliminary finding, the Divisional Director may make a submission to the Managing Director and the ABC Ombudsman. The ABC Ombudsman will finalise the investigation, in consultation with the Managing Director, and reasons for the decision will be given to the Divisional Director.

Finalising content complaints

- 6.4 The relevant ABC division is responsible for determining, implementing and recording any remedy arising from a complaint investigation.
- 6.5 The Ombudsman's Office will write to the complainant informing them of the finding/s of the investigation, any remedial action that the ABC division will be taking or has already taken and, if applicable, the complainant's option to refer the complaint to the ACMA.
- 6.6 Summaries of all [upheld](#) and [resolved](#) complaints are published on the ABC website.
- 6.7 The Ombudsman's Office will publish findings about significant content complaint investigations on the [ABC website](#).

7. Content complaints by ABC Divisions directly

- 7.1. It is often the people with the most direct knowledge and involvement in creating content who are best equipped to respond to complainants. Empowering divisions of the ABC to respond directly to content complaints can serve to streamline processes and avoid duplication.
- 7.2. Where a division of the ABC responds directly to a content complaint, the complainant must be informed that if they are dissatisfied with the response, they have the option to refer the complaint to:
- (a) the ABC's Ombudsman's Office to seek a review of the response – a review will only be considered if the complainant refers the matter within two (2) weeks from the date of the response from the division, and
 - (b) the ACMA, if applicable.
- 7.3. Divisions of the ABC have the discretion to refer any content complaint to the Ombudsman's Office for review to be handled in accordance with sections 5 and 6 above.

8. Ombudsman's Office review – content complaints

- 8.1 The Ombudsman's office has established a review function to provide dissatisfied complainants with an option to request internal review. A review will only be considered if the complainant makes the request within two (2) weeks from the date of the response from the division. This review function is primarily for complainants who are dissatisfied with a response they have received from an ABC division.

8.2 If a complainant is dissatisfied with the outcome of an Ombudsman's Office investigation an internal review by the Ombudsman is discretionary and will only be possible if a complainant provides new relevant information for consideration, or exceptional circumstances apply.

How to request a review

8.3 Complainants may request an Ombudsman's Office review by sending an email to ombudsmansoffice@abc.net.au or by post to Ombudsman's Office, Australian Broadcasting Corporation, ABC Ultimo Centre, GPO Box 9994, Sydney NSW 2001.

8.4 The request for review should include the complaint reference number, the response from the division of the ABC and reasons why the complainant is not satisfied with the response.

8.5 The Ombudsman's Office has the discretion to accept or not accept a complainant's request for review. In exercising its discretion, the Ombudsman's Office may consider the response from the division, the nature of the complainant's ongoing concerns and any matter set out in section 5.2 above.

8.6 If a complaint is not accepted for review, the Ombudsman's Office will write to the complainant informing them of this decision.

8.7 Where the Ombudsman's Office accepts a request to review a complaint, it will investigate the complaint in accordance with the relevant provisions in section 6 above.

8.8 Summaries of all Ombudsman's Office review findings will be published on the [ABC website](#), subject to privacy considerations.

9 External Review Options

9.1 A complainant is entitled under section 150 of the *Broadcasting Services Act 1992* (Cth) to take their complaint about the Code of Practice to the ACMA if the ABC fails to respond within 60 days, or if the complainant considers the ABC's response inadequate.

9.2 The ACMA does not deal with complaints about ABC digital media services.

9.3 If a complainant refers a complaint to the ACMA, the Ombudsman's Office will facilitate any ABC response to the ACMA.

9.4 Depending on what the complaint is about, a complainant may be able to refer a complaint to the **Australian Human Rights Commission**, the **Commonwealth Ombudsman** or the **eSafety Commissioner**.