REVIEW OF EDITORIAL COMPLAINTS

7.2 Audience advice/ warnings

Audience & Consumer Affairs

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Background

The ABC reviews its own content as an ongoing exercise to gauge compliance with its editorial standards and identify opportunities for improvement. Typically, these reviews have been based on a specified sample of content – eg, all political media conferences broadcast live on the ABC News Channel within a one-week period, or ten randomly selected analysis pieces, or radio and TV news bulletins on ABC/SBS/commercial networks on one day a week for eight weeks. These reviews have yielded helpful observations about strengths and weaknesses in the ABC's editorial performance.

The information gleaned from editorial complaints can also provide a useful basis for reviews. Complaints highlight areas of specific concern amongst those affected by ABC content – whether as audience members, participants, or as the subject of ABC coverage – and provide an opportunity for editorial processes and judgements to be independently scrutinised and evaluated.

The ABC values the insights gathered from editorial complaints. It is good practice to review complaint findings to look for weaknesses in editorial processes, or patterns of non-compliance which could usefully be addressed. For this review, the ABC looked at its own complaints data to see what could be learned about compliance with the editorial requirement to make reasonable efforts to provide information about the nature of content that is likely to cause harm or offence. The sample is inherently limited to content which has been the subject of an investigated complaint, and the findings should be considered in that context.

Editorial standard

The ABC's editorial standard for audience advice/warnings states:

Harm and offence

7.2 Where content is likely to cause harm or offence, having regard to the context, make reasonable efforts to provide information about the nature of the content through the use of classification labels or other warnings or advice.

The harm and offence standards are accompanied by the following principles:

The ABC broadcasts and publishes comprehensive and innovative content that aims to inform, entertain and educate diverse audiences. This involves a willingness to take risks, invent and experiment with new ideas. It can result in challenging content which may offend some of the audience some of the time. But it also contributes to diversity of content in the media and to fulfilling the ABC's function to encourage and promote the musical, dramatic and other performing arts. The ABC acknowledges that a public broadcaster should never gratuitously harm or offend

and accordingly any content which is likely to harm or offend must have a clear editorial purpose.

The ABC potentially reaches the whole community, so it must take into account community standards. However, the community recognises that what is and is not acceptable in ABC content largely depends on the particular context, including the nature of the content, its target audience, and any signposting that equips audiences to make informed choices about what they see, hear or read. Applying the harm and offence standard, therefore, requires careful judgement. What may be inappropriate and unacceptable in one context may be appropriate and acceptable in another. Coarse language, disturbing images or unconventional situations may form a legitimate part of reportage, debate, documentaries or a humorous, satirical, dramatic or other artistic work.

As stated in the principles, signposts and warnings form part of the context for ABC content. The ABC <u>Harm and Offence Guidance Note</u> makes clear that such signposts and warnings can reduce the likelihood of causing harm or offence. Other Guidance Notes that make specific reference to standard 7.2 are: <u>ABC Indigenous Content</u>; <u>Hate Speech, Terrorism & Mass Killings</u>; <u>Suicide & Self-Harm</u>.

ABC research via a national survey demonstrated that audiences value warnings and advice in relation to coarse language. The summary of findings of the 2019 review 'Coarse Language in the Media' stated: "Television classification information and prior warnings about coarse language in programs remain important to Australian audiences" (p. 5). In terms of radio content, 68% of respondents to the survey agreed or strongly agreed with the statement that "Warnings should be issued for songs containing coarse language" (p. 59). 69% of respondents agreed or strongly agreed with the statement that "It is more acceptable for a program to contain coarse language if there is classification information or warnings beforehand" (p. 32). Whilst the research was about coarse language and complaints raising harm and offence issues cover a broader range of concerns, this nonetheless supports the notion that warnings can in fact reduce the likelihood of causing harm or offence.

Scope

The review was based exclusively on editorial complaints data. The review examined all complaints investigated by Audience & Consumer Affairs over the three-year period from January 2017 to December 2019 where at least one issue raised in each complaint had been assessed against standard 7.2. A total of 381 complaints were identified.

Methodology

Consumer Affairs database for statistical analysis. Individual complaint records were also analysed in detail; this included final responses to complainants and, where necessary, examination of interactions between Audience & Consumer Affairs investigators and content makers / editorial policy advisors that formed part of the investigations.

Analysis

Nature of complaints

More than three quarters of the 381 complaints that raised issues of compliance with standard 7.2 also went to other harm and offence standards, largely 7.1 (content that is likely to cause harm or offence must be justified by the editorial context).

The majority (204) were about content that was under the editorial responsibility of News, Analysis & Investigations. 170 related to Entertainment & Specialist content and seven related to Regional & Local content.

In terms of platform, most of the complaints (318) related to content broadcast on television. Forty complaints were about content aired on radio and 23 were about online content. By genre, the largest category was news (137), followed by entertainment and comedy (105), current affairs (57), arts and culture (16) and factual (14). Other genres, including music, documentary, Indigenous and drama accounted for eight or fewer complaints each.

Programs/content that attracted the greatest numbers of complaints requiring investigation for compliance with standard 7.2 were: *Tonightly with Tom Ballard* (89), *7,00 News* (80), News Online (17), and *The Mix* (16).

The vast majority of the complaints were categorised as 'inappropriate content'. These were further broken down into the following subcategories:

- Bad language /profanity / swearing (133)
- Graphic content (106)
- Sex and sexuality (43)
- Treatment of animals (37)
- Violence (17)
- Death and suicide (11)
- Nudity (10)
- Other (7)
- Offence to religious feeling (6)

• Drugs / smoking / alcohol (2)

Outcomes

311 complaints (81%) were not upheld

52 complaints (14%) were upheld

18 complaints (5%) were resolved*

Multiple complaints are often received – and may be upheld – for the same issue in the same piece of content. Of the 52 upheld complaints, 29 were multiples. Distinct breaches are the most useful and meaningful measure of editorial compliance, so the table below reflects this measure. (Figures in brackets include multiple complaints for the same content).

Content team	Not Upheld	Resolved	Upheld	Total
News, Analysis & Investigations	77 (143)	9 (11)	21 (50)	107 <i>(204)</i>
Entertainment & Specialist	43 <i>(163)</i>	5 <i>(6)</i>	1	49 <i>(170)</i>
Regional & Local	4 <i>(5)</i>	1	1	6 <i>(7)</i>
Total	124 (311)	15 <i>(18)</i>	23 <i>(52)</i>	162 <i>(381)</i>

More than half (12) of the 23 distinct breaches were about 7pm television news broadcasts. News and current affairs content comprised the overwhelming bulk (21) of the 23 breaches. Content broadcast on television accounted for 87% (20) of the breaches and content aired on radio made up 13% (3).

Summaries of all complaints <u>upheld</u> and <u>resolved</u> by Audience & Consumer Affairs are publicly available on the ABC's website. Whilst all complaint outcomes are reported to the ABC Board in statistical form, summaries of more serious or noteworthy complaints are also provided to the Board. In the case of the 23 distinct breaches of standard 7.2, six were reported to the Board in summary form.

Observations on upheld complaints

Of the 23 distinct breaches, nine arose from deliberate editorial judgements and nine were due to oversights or other errors, including technical problems. Examples from each of these groupings are provided below. In five cases there was insufficient information available in the complaints data to determine whether the absence of a warning was a deliberate editorial decision or an oversight.

* In accordance with the ABC Complaint Handling Procedures, a complaint is resolved where the division takes steps to remedy the cause of complaint usually prior to or within 30 days of the ABC receiving the complaint, and the steps are considered by Audience and Consumer Affairs to be appropriate such that further processes

There were three separate cases where appropriate warnings were presented prior to television news stories, but the banners at the head of the bulletins contained content from those stories that was likely to cause harm or offence, and which resulted in 7.2 breach findings.

There were four cases where programs included, without warning, images that had previously been presented in news coverage. Two cases relate to a panel program – *The Drum* – and emphasise the need for careful consideration to be given to the context in which such images are newly presented, including the likely composition of the audience and their expectations of program content. Two cases relate to developments in news stories which included graphic images of animal cruelty. In both cases, the original coverage had included appropriate warnings which were omitted from follow up stories re-using some of the same footage.

While the ABC seeks to resolve complaints wherever possible, in most of the cases discussed in this paper this was not possible as no effective editorial remedy was able to be applied. Generally, the breaches were for live news broadcasts; this is content that is unlikely to be repeated and often does not have a specific online archived version to which a warning/advice could be added to resolve the complaint. However, for around 70% of the breaches, it was evident from the complaints data available that actions were taken in light of the findings in order to reduce the likelihood of repeat occurrences. These included the matter being discussed directly with the staff member responsible and/or the broader team; local review of practices related to how vision is used; and ensuring any directives from News leadership on these issues are disseminated more widely. There was also acknowledgement of breach findings by content areas where specific action was not identified as having been taken. (It is not necessarily the case that no action was taken in response to the other 30% of breach findings, only that such information was not available in the complaints data reviewed).

Editorial judgement

The Drum, ABC TV

An edition featured an interview about multiple suicide bombings in Surabaya, Indonesia. During the introduction to the interview, a montage of footage containing images associated with the bomb blasts in Surabaya was presented. This included CCTV footage of the moment a bomb had been exploded at police headquarters by a family riding two motorbikes. ABC News considered that the inclusion of this material was justified in the context of this discussion and felt that no advance warning was required because the footage was indistinct and did not include graphic details of injuries. ABC News advised that similar footage had been included in other ABC reports and on social media.

Audience & Consumer Affairs agreed with ABC News that there was sufficient editorial context to justify the inclusion of the footage. Audience & Consumer Affairs also acknowledged the points made by ABC News and agreed that the case was a difficult one. The Drum is shown on the main channel as well as the News Channel. The complaint indicated that the viewer was watching on the main channel which has a broader and more diverse audience; this is a consideration for harm and offence issues. On balance, in Audience & Consumer Affairs' view the footage was likely to cause harm or offence and should have been preceded by a warning. While other ABC news reports presented around the time had included excerpts of the footage without prior warning, the footage used on The Drum was longer and more detailed, showing the blast and its immediate aftermath and this increased the likelihood of distress to viewers. ABC News accepted this finding.

7pm News, ABC TV

Footage of violent behaviour amongst school students was included in a report to draw attention to a matter of significant public interest: the level of violent behaviour amongst some Canberra high school students and the compounding effects for victims when videos of such attacks are shared on social media. However, Audience & Consumer Affairs considered that it was an error to repeat the use of some of the footage within the story, the more graphic footage should not have been included and a full-screen blur technique should have been applied to all of the footage in this story. Furthermore, while a warning was provided prior to the story going to air, this was not effective to alert viewers to violent content included in the banners at the head of the news. This was the only breach of standard 7.2 in the three-year period where the content was also found to be in breach of standard 7.1.

The content area advised that at the time of airing the story, the approach was to use footage in the banners that did not require a warning. They felt the level of violence in the banners was acceptable without the need for a warning and noted that the violence contained within the story itself was clearly much more confronting, which is why a warning was provided for that. After airing the story (and publishing an associated story), the relevant editorial team undertook an extensive review to learn from the mistakes that, with hindsight, they acknowledged were made.

7pm & 10.30pm News, ABC TV

The bulletins included graphic footage of violent protests in Venezuela. Whilst nobody died in the incident, the footage was confronting in that it showed military tanks driving into proopposition supporters. ABC News noted that it was filmed from a distance and a high vantage point and was only four seconds of a 2.03 minute story. Although Audience & Consumer Affairs was satisfied that the inclusion of the footage was appropriate within the context of reports about ongoing protests and political upheaval in Venezuela, the unit considered that a warning should have been included. ABC News acknowledged that this

was an error of judgement and undertook to include a warning should the footage be used in future coverage.

The Drum, ABC News Channel

The program included without warning an image of the bodies of a man and his young daughter who drowned trying to cross the border from Mexico into the United States. While the inclusion of the image was editorially relevant to the discussion, Audience & Consumer Affairs considered that a warning should have been provided. The program team had not included a warning because the content was part of a broader conversation in a news program, however they accepted the finding that a warning was in fact required.

Oversight/technical problem

7pm News, ABC TV

Several viewers raised concerns about the inclusion without warning of graphic footage of animal cruelty in a report about an ongoing live export class action suit before the Federal Court. Whilst justified by the editorial context, the footage was distressing, and Audience & Consumer Affairs considered that it should have been preceded by a clear warning. This breach accounted for 29 upheld complaints. ABC News acknowledged that a warning was required but advised that this step was missed: a reporter should have added a note to include a warning when the story was filed and the news team should have reviewed the story pre-broadcast and seen that a warning was necessary. An editorial refresher session was held for relevant staff.

A 7pm News story that followed up the live export class action some months later also included footage that required a warning where none was provided. ABC News explained that the story was syndicated late by the network with no time for the producer to preview it and there was no network note stating that it required a warning.

7pm News, ABC TV

A report about calls to ban the live export sheep trade after thousands of animals died on shipments to the Middle East was highly newsworthy. Nevertheless, Audience and Consumer Affairs considered that the report should have contained a warning that it included footage that may be distressing. ABC News advised that whilst a warning was intended to be provided to viewers, it was missed due to an error – a staff member took the introduction from the wires early and missed a later update which had a warning.

The same complainant raised concerns about a separate 7pm News story on this issue. (In fact, this viewer made three complaints about this issue across three separate 7pm News reports which were all upheld against standard 7.2. In the first case, the lack of warning was due to an error as described above, in the second case it was an editorial judgement and in the third case it was due to an error). The ABC assured the viewer that his earlier complaints

had been taken seriously and advised him that, after his previous complaint, the news editor spoke with the reporter and television news producers in that state about the need for a warning when using this vision. However, as the story originated outside that state the need for a warning on this third occasion was unfortunately missed. A note was placed on the vision in the archive for future use and this was brought to the attention of senior News management who disseminated the advice more broadly to network producers and reporters.

News update, ABC TV

A 6pm news update included footage of cruelty in Tasmanian abattoirs that should not have been shown without a warning. ABC News acknowledged that a warning was required. The report on the issue in that evening's 7pm News did carry a warning even though the more graphic vision used in the update was not shown in the 7pm bulletin. The investigation of this complaint identified a lack of oversight of updates which led to a review of practices of how vision is used and a reinforcement of the need for relevant editors to be a part of the editorial conversation in such cases.

Background Briefing, ABC NewsRadio

An episode focused on the rise of the alt-right in Australia and connections between Senator Fraser Anning and fascist groups and included strong coarse language which, whilst editorially justified in context, Audience & Consumer Affairs considered required a warning. The program area advised that a warning was not provided due to a technical issue in the studio – the screen froze so the presenter could not see the whole introduction script.

Mornings, triple j

In a brief conversation between presenters about an upcoming interview, an audio grab was played that included a sexual reference. A censored version had been prepared, but due to human error, the team played the wrong version. As no warning had been provided, Audience & Consumer Affairs found a breach of standard 7.2.

Observations on resolved complaints

Actions taken that enabled complaints to be resolved included:

- Where complaints were about online content, warnings/advice were added to that content.
- Where complaints were about radio content, warnings/advice were added to the
 online version of the program and/or the podcast where they existed; the offending
 content was edited out for repeat broadcasts; processes were changed to reduce
 risk of recurrence.

Where complaints were about television content, warnings/advice were added to
the online version of the program where they existed; the offending content was
edited out or obscured for repeat broadcasts; a classification card that had fallen
out of the system was restored so that imminent repeats carried the appropriate
classification marking; notes were added to footage that it required a warning or
signposting; systems were reviewed and updated to avoid a repeat.

The Hook Up promotion, triple j

Two triple j listeners complained that a promotion for *The Hook Up* included inappropriate sexual content. ABC Entertainment & Specialist agreed that the promotion contained inappropriate material and apologised to the complainants for the lapse. ABC Entertainment & Specialist advised that promotions for *The Hook Up* are routinely referred to triple j management prior to being scheduled to ensure that they are suitable for the triple j target audience and do not contain content that could be in breach of the ABC's Editorial Policies for harm and offence, including the requirement for warnings, but this did not occur in this instance. This process was reiterated to the relevant team who were also reminded of the need to create promotions which are suitable for the target audience of the network as opposed to a specific program's target audience.

Adam Hills: The Last Leg, ABC COMEDY

An episode was reviewed prior to broadcast and classified M, meaning it was recommended for people aged over 15 years. The ABC Classifiers indicated that the program should be preceded by viewer advice warning of coarse language. Audience & Consumer Affairs was satisfied that the episode was correctly classified, however the M classification symbol was not displayed prior to the broadcast, nor was consumer advice warning of coarse language presented. ABC COMEDY reviewed the incident and advised that a combination of recent system changes and human error caused the classification card to fall out of the schedule. The team took steps to ensure that an imminent repeat of the episode on the main channel and an upcoming repeat on ABC COMEDY would be transmitted with the appropriate classification marking. The team advised Audience & Consumer Affairs that they were examining their processes and would seek advice on how additional safeguards could be built into the system to ensure there would be no repeat of this incident.

Spicks and Specks, ABC COMEDY

A viewer complained that a repeat episode of *Spicks and Specks* shown on ABC COMEDY should have been preceded by viewer advice for Aboriginal and Torres Strait Islander viewers as one of the guests had died since the episode was originally broadcast in 2006. The systems were updated to ensure that the episode would not be rebroadcast without the appropriate viewer advice. ABC Entertainment & Specialist acknowledged that this case

highlighted a breakdown in procedure and undertook to review its processes in light of this lapse to avoid a repeat of this issue for other episodes of the program.

Observations on not upheld complaints

The majority (82%) of complaints investigated against standard 7.2 resulted in not upheld findings. Audience & Consumer Affairs was satisfied that the content which was the subject of the complaint complied with the standard for the following reasons:

Warnings/advice were in fact provided and appropriate.

The nature of upcoming content was sufficiently foreshadowed despite no specific warning being provided (or necessarily required). For example, the introduction to news reports made clear the nature of the stories and viewers could reasonably expect them to include some detail.

Warnings/advice were not required as content was not likely to cause harm or offence in context.

Australian Communications & Media Authority

During the three-year period, the Australian Communications and Media Authority (ACMA) finalised one investigation – summarised below – that included consideration of compliance with standard 7.2. The ACMA found that the broadcast complied with standard 7.2. A further case raising concern about compliance with standard 7.2 was referred to the ACMA but was not accepted for investigation.

The Mix

Complaint: A 'pub chat' segment, which included discussion of the (then) recently released film *Hounds of Love*, broadcast images depicting sexual violence.

ACMA finding: The broadcast of the segment was justified by the editorial context (7.1). In assessing compliance with 7.2, the ACMA noted that some viewers may have found the broadcast of confronting themes and depictions of violence, including implied sexual violence, offensive. However, the ACMA noted that visual and verbal consumer advice was provided for viewers at the beginning of the program: "Viewer advice. This program contains adult themes". Further, in the opening comments in the 'pub chat' segment, the program host explicitly anticipated the inherently offensive nature of the film when he stated that they would be "in the very unpleasant company of a serial killer couple". The audience was again made aware of the likely nature of the images that would form part of the discussion when, at the outset of the discussion, one of the guests described the film as "torture porn". Accordingly, the ACMA considered that reasonable efforts were made to provide information about content likely to cause offence using explicit consumer advice

about adult themes, and dialogue flagging the potentially offensive nature of some of the upcoming content.

Conclusion

Analysis of complaints data indicates a generally satisfactory level of compliance with standard 7.2: no systemic problems have been identified.

In cases where a breach of standard 7.2 was found and the absence of an appropriate warning/advice was the result of a deliberate editorial judgement, it should be noted that this does not necessarily indicate poor or cavalier decision-making. Some cases were difficult and although a considered decision may have been made by the content area, Audience & Consumer Affairs determined that a warning/advice was required in the circumstances.

Where warnings/advice were not presented for audience members as a result of failures of systems or procedures, it was clear that genuine attempts were usually made by content areas to address those failings by reviewing, changing or strengthening the systems or procedures.

Recommendations

- 1. Special care should be taken when reusing challenging footage that has previously featured in news coverage. Presenting this content in a different context and to a different audience does not obviate the requirement to carefully consider whether harm or offence is likely, and whether a warning is required.
- 2. Further efforts should be made to reduce instances of non-compliance due to human error, especially by strengthening communication within and between news teams.
- 3. Ongoing training would help to build expertise and reduce the rate of avoidable error.