REVIEW OF EDITORIAL COMPLAINTS

7.7 Stereotypes / discriminatory content

Audience & Consumer Affairs

November 2020

Contents

Background	3
Editorial standard	3
Scope	4
Methodology	. 4
Analysis	. 5
Australian Communications & Media Authority	12
Conclusion	14
Recommendation	14

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 avoid the unjustified use of stereotypes or discriminatory content that could reasonably be interpreted as condoning or encouraging prejudice. 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

Harm and offence

7.7 Avoid the unjustified use of stereotypes or discriminatory content that could reasonably be interpreted as condoning or encouraging prejudice.

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.

The ABC <u>Harm and Offence Guidance Note</u> states that "If we reinforce stereotypes or encourage prejudice, we cause harm to groups within the community. For that reason, discrimination and stereotypes are only acceptable in our content if they're justified by context". The Guidance Note goes on to caution that "Nonetheless, regardless of justification, it's important to be aware of the power and effect of discriminatory language. Even if there's a reason to include it in our content, doing so can normalise it, convey that it's acceptable, or bring it to the attention of audience members who might not have been familiar with it".

Other Guidance Notes that make specific reference to standard 7.7 are: <u>ABC Indigenous</u> <u>Content</u>; <u>Hate Speech, Terrorism & Mass Killings</u>; and <u>Reporting and Portraying Disability in</u> <u>ABC Content</u>.

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 September 2017 to August 2020 where at least one issue raised in each complaint had been assessed against standard 7.7. A total of 221 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

Of the 221 complaints that raised issues of compliance with standard 7.7, 27% (59) also went to other standards; these were largely other harm and offence standards and in particular 7.1 (content that is likely to cause harm or offence must be justified by the editorial context).

The majority (125) were about content that was under the editorial responsibility of the Entertainment and Specialist content area. Sixty three related to News, Analysis & Investigations content and 33 related to Regional & Local content.

In terms of platform, 62% (138) of the complaints related to content broadcast on television. Forty four complaints were about content aired on radio and 39 were about online content. By genre, the largest category was entertainment (51), followed by current affairs (40), comedy (22), news (21), factual (18), Indigenous (16) and children's (13). Other genres, including religion and ethics, sport, documentary, music, arts and culture, and drama accounted for eight or fewer complaints each.

Programs/content that attracted the greatest numbers of complaints requiring investigation for compliance with standard 7.7 were: *Tonightly with Tom Ballard* (25), *Black Comedy* (15), *The Drum* (14), and *Insiders* (11).

The majority of the complaints (169) were categorised as 'unfair treatment'. These were further broken down into the following subcategories:

- Racism (86)
- Discrimination (43)
- Sexism (19)
- Other (11)
- Denigration (9)
- Defamation (1)

Outcomes

198 complaints (89%) were not upheld

15 complaints (7%) were resolved*

^{*} In accordance with the ABC Complaint Handling Procedures, a complaint is resolved where the content area 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 & Consumer Affairs to be appropriate such that further processes to uphold, partly uphold or not uphold the complaint would add nothing of substance.

8 complaints (4%) were upheld

Multiple complaints are often received for the same issue in the same piece of content. Of the eight upheld complaints, four were multiples. Distinct breaches are the most useful and meaningful measure of editorial compliance, so the table below reflects this measure. (Total complaint numbers, including multiple complaints for the same content, are retained in brackets).

Content team	Not Upheld	Resolved	Upheld	Total
Entertainment & Specialist	64 (118)	3 (3)	1 (4)	68 <i>(125)</i>
News, Analysis & Investigations	43 <i>(61)</i>	2 (2)		45 <i>(63)</i>
Regional & Local	18 <i>(19)</i>	9 (10)	3 <i>(4)</i>	30 <i>(33)</i>
Total	125 <i>(198)</i>	14 (15)	4 (8)	143 (221)

As the table above shows, three of the four distinct breaches were for content under the editorial responsibility of the Regional & Local content area.

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 four distinct breaches of standard 7.7, three were reported to the Board in summary form, as were eight of the distinct resolved complaints.

Observations on upheld and resolved complaints

The case studies below are grouped by the platform on which the content was broadcast or published. It was clear from this review of complaints that content teams took appropriate action to reduce the likelihood of repeat occurrences where problematic content had been identified. This included removal or editing of content, on-air apologies, cancellation of a segment, discussions with or counselling of the person responsible and/or broader teams, strengthened editorial processes, and training such as unconscious bias training and cultural training.

Television and iview

Of the three complaints upheld or resolved in relation to content shown on TV or iview, two involved content that had been produced several years earlier.

Live at the Apollo, ABC COMEDY

Complaint: an episode included jokes that endorsed the perpetuation of violence towards women and were likely to offend on the basis of race.

Finding/action taken: the episode was from 2009 and was recorded at the Hammersmith Apollo Theatre in London and originally broadcast by the BBC. In one stand-up set in the episode, a comedian made a joke about Indigenous Australians that could be seen to perpetuate untruths and stereotypes. This aspect of the complaint was resolved given the

steps taken: ABC Entertainment & Specialist removed the episode from iview and undertook to edit this joke out of the episode before any future broadcast. The ABC apologised to the complainant for the broadcast of these comments. The complainant's concerns about other jokes in the episode were not upheld. **Resolved.**

The IT Crowd, ABC COMEDY

Complaint: an episode depicted a transgender character in a way that was out of step with current community standards. The episode was produced in 2008 and was broadcast as part of the ABC COMEDY channel's collection of older comedy content.

Finding/action taken: as a result of the complaint, the episode will not be broadcast by the ABC again. **Resolved.**

Bluey, iview

Complaint: an episode of the animated children's program published on iview included a term with racial connotations and a problematic history for Indigenous Australians.

Finding/action taken: the ABC sincerely apologised to the complainant for any distress caused by the term used in the episode. The ABC has a strong record for giving voice to Indigenous Australians and an ongoing commitment to helping reduce discrimination and prejudice and in this case, the language used was inadvertent. The complainant was advised that neither the ABC nor the external producers were aware of the potentially derogatory meaning of the term, which was intended only as irreverent rhyming slang often made up by children. The episode was removed from iview as soon as ABC KIDS became aware of the complaint and ABC Entertainment & Specialist undertook to change the dialogue prior to future broadcast or publication. **Resolved.**

Radio

Complaints about content aired on radio that were upheld or resolved can broadly be seen as having been the result of ill-considered comments made in live content. Four were in relation to sports commentary (three of which are summarised below).

Mornings, ABC Radio

Complaint: during an interview with a representative from NBN Co, which focussed on customers' unsatisfactory experiences with the NBN, the presenter noted his own negative experience suggesting that there was nothing skilled or professional about the people who did installation work in his street. In doing so, he made references to the ethnic background of these workers.

Finding/action taken: there was no editorial justification for mentioning an ethnic minority in this context. Further, the presumed ethnicity of the workers was used in a pejorative

sense and had the effect of condoning discriminatory stereotypes. The ABC apologised to the complainant for this lapse in standards. As a result of the finding, the Regional & Local content area advised that all staff on that network would attend unconscious bias training. **Upheld.**

Mornings, ABC Radio

Complaints: the treatment of a disability advocate in an on-air interview, which examined the 'microaggressions' experienced by people with a disability, was denigrating and discriminatory.

Finding/action taken: the network first became aware of the interviewee's concerns about the interview on the evening of the broadcast, after she had written about the experience on a blog. This was discussed with the program team and presenter the next morning and a representative of the program telephoned the interviewee to apologise. The presenter expressed concern and distress that he had offended her and issued an on-air apology. The interviewee publicly accepted the presenter's apology and expressed appreciation for it. **Resolved.**

Grandstand, ABC Radio

Complaint: a commentator made a quip about another network's all white male cricket commentary team, suggesting that a well-known male former cricketer was "going transgender to try and get a bit of balance in the commentary team".

Finding/action taken: whilst the target of the anecdote was the lack of diversity on the other network's team, in Audience & Consumer Affairs' view it backfired and shifted the 'comedic' element to the former cricketer appearing as a woman. This was likely to cause offence to transgender people because it suggested that being transgender is a choice and also because the notion that a high profile 'Aussie bloke' is transgender was supposed to be the funny punchline. It was inappropriate and reinforced negative stereotypes about transgender people. In making the comments, the commentator also apologised to the cricketer as though the suggestion he 'go' transgender was insulting. The joke also had the effect of suggesting that the other network would not actually hire a woman. The matter was raised directly with the commentator shortly after broadcast and he acknowledged his comments were ill-considered. The ABC apologised to the complainants for any offence caused. **Upheld.**

Sports Talk, ABC Radio

Complaint: a commentator made racist comments regarding Western Sydney Wanderers fans who lit flares during matches.

Finding/action taken: the ABC agreed that the comments were unacceptable. Following a discussion with local sports management, the commentator apologised on air. **Resolved.**

Overnights, ABC Radio

Complaint: a discussion about the use of a derogatory term for gay men was itself offensive.

Finding/action taken: the segment conflated a light-hearted discussion of Christmas songs that people are tired of hearing, with the much more serious issue of controversial content within specific songs. The presenter made an ill-judged decision to discuss the use of the offensive word in a well-known song by the Irish band The Pogues, and handled it poorly, resulting in unwarranted distress to a number of listeners. The presenter was spoken to about the ABC's harm and offence standards, and given advice on thoughtful preparation of potentially controversial content. An apology was read on air two days later at the same time as the original material went to air. **Resolved.**

Grandstand, ABC Radio

Complaint: a cricket commentator made fun of Sri Lankan cricketers' names.

Finding/action taken: repeated comments by the commentator in relation to Sri Lankan cricketers' names were not justified by the editorial context and had the effect of condoning prejudicial stereotypes. Following an initial Facebook post by the complainant, the matter was raised immediately with the commentator and ABC Grandstand apologised to the complainant for the comments. ABC Regional & Local undertook that the commentator would undergo appropriate cultural training to ensure there is no repeat of this conduct. **Resolved.**

Online

Of the six resolved complaints that related to online content, four were in relation to content posted on ABC Facebook pages (both user-generated and ABC-generated content).

Australia All Over, ABC Online

Complaint: a talkback caller invoked an anti-Semitic trope during the program.

Finding/action taken: whilst the presenter had not heard the slur, the failure of the program to either use the 'dump' button or to apologise for the comments was nonetheless in breach of the ABC's editorial requirement that appropriate steps be taken to mitigate the impact of harm or offence likely to be caused by inadvertent or unexpected content in live broadcasts (standard 7.4). The slur was repeated when the program was posted online and given that this online content was no longer live, it was in breach of standard 7.7. The full version of the program expired after seven days and the program area subsequently edited a shorter podcast version and appended an apology to the webpage. The presenter

apologised on air: "Last month on our program on the third of May we had a caller who made a comment that caused hurt and offence to the Jewish Community. The ABC apologises for the oversight that let this remark go to air. It has been removed from our podcast of that program". The ABC also apologised to the complainant for the offence caused. The matter was discussed with the program team. **Upheld.**

ABC Religion and Ethics online

Complaints: an opinion article was bigoted and damaging to transgender people.

Finding/action taken: the article was intended as an academic think piece examining nuances within the text of Mary Shelley's *Frankenstein* in order to contribute to contemporary discussion around gender and transgender identity. However, the monster motif, accompanied by the hyperbolic language of the original Gothic novel, had not been handled with sufficient regard to its real-world effects, ran the risk of encouraging prejudice towards a specific group, and caused unnecessary hurt and offence. The opinion piece was found to be in breach of both standards 7.1 (Content that is likely to cause harm or offence must be justified by the editorial context) and standard 7.7. It was removed from the Religion and Ethics site and measures were taken to ensure greater editorial oversight of the website. The ABC apologised to complainants for any offence caused. **Upheld.**

ABC Illawarra online

Complaint: a story 'Use of Black Pete Christmas character defended by Dutch Australian Society in the Illawarra' reinforced racism.

Finding/action taken: shortly after receipt of the complaint, more information was included in the story regarding the history of 'blackface' and the reasons why it is no longer considered acceptable. However, on further review the article was removed as it lacked sufficient context and perspectives on this very controversial matter. **Resolved.**

ABC News Facebook

Complaint: A post on the ABC News Facebook page about a traffic accident in the UK city of Manchester lacked newsworthiness and included Islamophobic comments from online readers.

Finding/action taken: ABC News changed the post text and removed offensive comments. **Resolved.**

ABC Tropical North Facebook

Complaint: a post by ABC Tropical North was racist.

Finding/action taken: the Facebook post "If 2020 was a movie... What would you name it?" was intended to engage talkback, which it did. However, the suggestion by ABC Tropical North of 'The China Syndrome' was not appropriate and it was removed as soon as an audience member drew attention to it via a comment. The ABC apologised to the complainant for the post and the staff member was counselled on the matter. **Resolved.**

Observations on not upheld complaints

In investigating complaints alleging a breach of standard 7.7, Audience & Consumer Affairs will consider: were stereotypes or discriminatory content used?; was the content justified in the context?; could the content reasonably be interpreted as condoning or encouraging prejudice?

Context can provide a very high bar, particularly, for example, for comedy and news content. News and current affairs coverage can legitimately include extreme racist comments, within a newsworthy context. A comedy program might use racial stereotypes repeatedly to make a provocative point about society.

The vast majority (87%) of distinct complaints investigated against standard 7.7 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 reasons which included the following:

- In some cases, stereotypes or discriminatory content was indeed broadcast or published, but it was justified in context and Audience & Consumer Affairs was satisfied that it could not reasonably be interpreted as condoning or encouraging prejudice. For example, a sketch in the comedy program *Black Comedy* deliberately employed stereotypes and discriminatory content to make a sharp satirical point and this context justified its use. In Audience & Consumer Affairs' view, the content could not reasonably be interpreted as condoning or encouraging prejudice; rather the point of the sketch was to call attention to prejudice and condemn it. In another case, an RN *Counterpoint* listener complained that a segment included offensive racial stereotypes. The specific point under discussion in the segment was whether ethnic stereotypes were inherently racist, even if they might be considered by some people to be positive; and if ethnic stereotypes are ever appropriate in advertising. Audience & Consumer Affairs noted that this is a legitimate area for discussion in a program like *Counterpoint* and, more broadly, during the discussion the presenter and guest clearly and firmly condemned racist depictions in advertising.
- In some cases, Audience & Consumer Affairs was satisfied that stereotypes or discriminatory content were not in fact used. As an example, an audience member complained that an online ABC News live blog page on US politics used a GIF to sign

off which amounted to 'digital blackface' and that this normalised racism. The Harlem Globetrotters 'Goodbye' GIF, which portrayed a Harlem Globetrotter vivaciously waving goodbye, was chosen to communicate that the live blog was shutting down as it would be immediately recognisable as related to the United States, it was non-partisan, and had not been associated with any particular TV show or advertising campaign. The GIF did not portray the person it depicted in a negative or foolish light, or in a way that played into negative stereotypes. A range of GIFs had been included in the blog and the use of GIFs to make light-hearted comments is commonplace in ABC blogs. The ABC noted that adopting a position which limited the use of images or GIFs featuring people of colour would seem problematic in itself. In Audience & Consumer Affairs' view, the GIF used to illustrate this story was not discriminatory and could not reasonably be interpreted as condoning or encouraging prejudice. The use of the GIF was justified to signal the end of the blog in the kind of warm and informal way that is characteristic of this kind of content.

• In some cases, a straight-forward statement of fact was interpreted by complainants as racist or discriminatory. For example, a viewer complained that ABC News coverage of Boris Johnson's election as leader of the British Conservative Party was blatantly sexist and racist in its reference to "white male" party membership. In explaining how the leadership vote worked, the ABC correspondent stated that it was not the whole nation who voted for the leader, but around 160,000 Conservative Party members. The correspondent noted that most are men and most are white and that these were the people who chose who would lead the Conservative Party and by default become the Prime Minister. Audience & Consumer Affairs was satisfied that this was accurate and relevant context; it was not racist or sexist but a statement of fact.

Australian Communications & Media Authority

During the three-year period, the Australian Communications and Media Authority (ACMA) finalised three investigations – summarised below – that included consideration of compliance with standard 7.7. The ACMA made no breach findings in these cases. The ACMA notified the ABC of a further twelve complaints raising concern about compliance with standard 7.7 that were not accepted by the regulator for investigation.

Get Krack!n

Complaint: An episode contained content in two segments that was offensive and racist.

ACMA finding: The ACMA investigation considered compliance with ABC Code standard 7.1 in both segments and 7.7 in one segment and found no breach of either standard. In the segment that went to standard 7.7, the ACMA noted that it did not use negative or

derogatory language to describe non-Indigenous or Indigenous Australians. The ACMA accepted the ABC's submission that the segment was confronting and provocative and that it allowed the program to make the satirical point that some non-Indigenous Australians pay lip service to the idea of reconciliation. The segment did not suggest that all non-Indigenous Australians do not understand or support the importance and value of reconciliation. While acknowledging that the content was challenging, the ACMA considered that the material could not reasonably be interpreted as containing stereotypes or discriminatory content.

Insiders

Complaint: A panellist made discriminatory statements that amounted to an accusation that gay teachers were paedophiles. The initial complaint to the ABC was investigated by Audience & Consumer Affairs and not upheld. (Subsequent to the broadcast, the panellist advised that he was trying to make a point about the hypocrisy of faith-based schools. Audience & Consumer Affairs considered that this was not clear from the broadcast and, as the statement lacked clarity, it would have benefitted from further explanation or context).

ACMA finding: The ACMA agreed with the ABC that the panellist's position was not clearly expressed, noting that his overall commentary conflated discrimination of teachers with sexual abuse in faith-based schools in an undifferentiated manner. The statement about gay teachers, immediately following an assertion about discrimination, was poorly worded and only tangentially relevant to the subject of the discussion. However, the ACMA considered that, given the moderating effect of framing the statement as the panellist's personal experience, the tangential relevance of the statement to the topic of discussion, and taking into account that it was made during a live-to-air political discussion where panellists are invited to comment frankly on a range of issues, on balance any potential harm or offence was justified by the editorial context. The ACMA also considered that the lack of clarity, the absence of encouraging language and its framing as personal experience meant that the statement, although referencing a highly offensive stereotype, could not reasonably be interpreted as condoning or encouraging prejudice.

Q+A

Complaints: the episode 'Broadside' did not present a diversity of perspectives, contained coarse language, promoted offensive male stereotypes and incited violence.

ACMA finding: The ACMA investigation went to various ABC Code standards including 7.7 and no breach findings were made. The ACMA found that while the live program should have carried a language warning, actions taken by the ABC after the program were sufficient to redress the cause of complaints in this regard.

Conclusion

Analysis of complaints data indicates a sound level of compliance with standard 7.7: no systemic problems have been identified. As noted, where problematic content had been identified through complaints, it is evident that content teams took the matters seriously and took appropriate follow up actions in order to reduce the likelihood of repeat occurrences.

Whilst no systemic failings around complying with this standard were identified in this review, it is notable that content which fell under the editorial responsibility of the Regional & Local team was overrepresented in the number of upheld and resolved complaints. Whilst the overall number of complaints investigated was lowest for the Regional & Local area, the proportion that were upheld or resolved was markedly higher. (Regional & Local: 10% upheld and 30% resolved; Entertainment & Specialist: 1% upheld and 4% resolved; News, Analysis & Investigations: 0% upheld and 4% resolved). This reflects the greater editorial risks associated with live broadcasts.

Recommendations

- Content teams should make concerted efforts to stay abreast of contemporary community attitudes and standards, especially as they relate to representation in news, factual and entertainment content. Efforts should be made to consume a wide range of different media, reflecting the views and experiences of different groups within the community, and to pay close attention when these matters are discussed and debated. Actively building diverse teams will also make a significant contribution.
- 2. Particular care should be exercised when rebroadcasting or republishing content that was produced some years earlier. Potentially challenging content should be reviewed before broadcast and appropriate steps taken, where required, to avoid causing harm or offence. As this risk is highest for television programs which will often reach a broad audience, Entertainment and Specialist should review its processes and ensure these are robust and reliable. Risks posed by older online content (including material released via third party sites, such as YouTube) should also be properly appreciated, as there is no obvious decision point (such as a decision to rebroadcast) which would necessarily trigger review. Teams should have processes in place to actively seek out and review online material in this higher risk category.
- 3. Editorial managers should monitor compliance with harm and offence standards closely. In the small number of cases where problems recur within teams, managers

are responsible for ensuring that additional mentoring, training and/or editorial support is provided to ensure this is addressed effectively.