

21 April 2011

Ms Julie Dennett
Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

By email: legcon.sen@aph.gov.au

Dear Ms Dennett

Inquiry into the Australian film and literature classification scheme

I refer to the above inquiry and to the hearings held in Sydney on Thursday 7 April 2011.

During the hearing, Free TV undertook to provide further information on certain topics and this letter addresses those issues.

Question 1 – Number of complaints relating to classification upheld by ACMA since 1999

Free TV's Code of Practice complaints database only extends back to 2002. Since that time, there have been 8736 complaints overall. Of these, 65 classification-related complaints were upheld by the ACMA.

(Source: Free TV Australia Code Complaint database and ACMA/ABA annual reports)

Question 2 – in relation to Free TV's response to the Senate Committee inquiry into the Sexualisation of Children

As already noted as part of Free TV's oral evidence to the Committee, since the release of the report into the Sexualisation of Children commercial free-to-air broadcasters have adopted the revised AANA Codes of Practice.

The AANA's Code for Advertising and Marketing Communications to Children specifically states that advertising or marketing communications to children:

- a) must not include sexual imagery in contravention of prevailing community standards;
and
- b) must not state or imply that children are sexual beings and that ownership or enjoyment of a product will enhance their sexuality

Question 3 and Question 4 – numbers of complaints per annum in total and the total complaints upheld by ACMA across all categories

Free TV reports the following complaint numbers for the last five years:

- **2005-06** – 1109 complaints, 38 upheld by stations
 - ACMA considered 61 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA
 - 13 of the 61 complaints were upheld by ACMA
- **2006-07** – 914 complaints, 18 upheld by stations
 - ACMA considered 61 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA
 - 11 of the 61 complaints were upheld by ACMA
- **2007-08** – 1248 complaints, 7 upheld by stations
 - ACMA considered 71 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA
 - 22 of the 71 complaints were upheld by ACMA
- **2008-09** - 908 complaints, 14 upheld by stations
 - ACMA considered 100 Code complaints which had been assessed by stations, but not upheld, and had then been referred by the viewer to ACMA
 - 46 of the 100 complaints were upheld by ACMA
- **2009-10**- 1292 complaints, 26 upheld by stations
 - ACMA considered 64 Code complaints which had been assessed by stations, and had then been referred by the viewer to ACMA
 - 26 of the 64 complaints were upheld by ACMA

(Source: Free TV Australia code complaint database and ACMA Annual Reports)

Question 5 – research into usage of new technologies

Please refer to the enclosed Free TV Australia report *2010: Year in Review* which provides an overview of audience trends as they relate to commercial free-to-air television. We have also enclosed a number of other consumer research reports which may be useful to the Committee.

Free TV suggests the Committee also make reference to the 2009-10 Communications Report compiled by the ACMA and available online at:

http://acma.gov.au/webwr/assets/main/lib311995/2009-10_comms_report-complete.pdf

We note that the ACMA has a number of source documents the Committee may find useful:

http://www.acma.gov.au/WEB/STANDARD..PC/pc=PC_312174

Question 6 – Family Voice Australia's submission

I note that Senator Crossin requested broadcasters consider certain song lyrics reproduced in the submission by Family Voice Australia with a view to providing them with a television classification (refer to pages 20-22 of the Family Voice Australia submission).

Television broadcasters would not typically review material in this format (ie, lyrics only). Classification of television material is made with reference to both sound and pictures and broadcasters would not normally come to a classification decision on the basis of lyrics only and in the absence of a visual element. The lyrics would be taken into account as one element of an overall decision.

With regards to this, I note the Family Voice Australia submission does not contend that these songs have been broadcast on commercial free-to-air television. I can confirm that music videos for these songs have not been broadcast on commercial free-to-air television.

Question 7 – complaints in relation to music videos

In the five years to end-2010, there were 6056 complaints overall and only 55 of these complaints related to music video programs (representing less than 1 % of overall complaints) (source: Free TV Australia Code Complaints database).

The complaints ranged in nature and included concerns regarding coarse language, sexual references, drug references, violence, depiction of suicide, discrimination and dangerous or imitable behaviour. Of these, 6 complaints were upheld by the broadcaster.

There have been no complaints regarding music videos upheld by the ACMA during this period (source: ACMA Annual Reports).

If you or the Committee have any further questions, please don't hesitate to contact me.

Yours sincerely

Jessica Coates
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for
Julie Flynn
CEO