

SBS responses to Questions on Notice

Senate Legal and Constitutional Committee Inquiry into Australia's film and literature classification scheme

Question 1 (Senator Crossin, p. 21 of *Hansard*) – Number of complaints

Mr Meagher—...We have an internal complaints mechanism and then we have oversight by the ACMA and that seems to work very well. *In terms of the number of complaints in relation to classification matters, since 1999, which is the last list, we have had four breaches upheld by the ACMA in relation to classification.*

Senator CROSSIN—*Out of how many?*

Mr Meagher—I would have to take that on notice.

Answer

SBS can provide figures from 2005 when the current formal complaints handling system managed by the SBS Ombudsman was implemented.

For the period July 2005 to December 2010, SBS received 246 classification complaints of which 15 were appealed to the ACMA. Of the 15 complaints which ACMA reviewed, two were upheld.

Question 2 (Senator Barnett, p. 26 of *Hansard*) – Codes of Practice

CHAIR—...*In terms of the codes*, I have ASTRA here, for which I am thankful. *I do not have the ABC and SBS.*

Mr Meagher—We can send them to you.

Answer

Copy attached.

Question 3 (Senator Barnett, p. 26 of *Hansard*) – Response to 2008 Senate Environment, Communications and the Arts inquiry

CHAIR—In terms of *the Senate committee inquiry into the sexualisation of children*, which was held a couple of years ago now, *did you respond to that inquiry and if so how did you do that? If you did not, that is fine. I am just clarifying whether you responded in any way at all to that Senate committee report and recommendation. ...*

CHAIR—*Could you just take that on notice and check. And if you did respond please give us some details in terms of what you did.*

Mr Meagher—Similarly, I would have to check. It may be that we did not in the sense that we show little or no children's programming. But I will check on it.

Answer

SBS did not make a submission to the inquiry.

Question 4 (Senator Barnett, p. 26 of *Hansard*) – Numbers of complaints

CHAIR—*Going to SBS, you said there were about 40 to 60 complaints per annum.*

Mr Meagher—I will have to take that on notice.

CHAIR—*Yes, can you clarify that for us.*

Answer

In 2009/10, SBS received 49 classification complaints out of a total of 131 formal complaints. For the period July to December 2010, SBS received 31 classification complaints out of a total of 79 formal complaints.

Question 5 (Senator Barnett, p. 27 of *Hansard*) – Breaches of codes as determined by internal review and by ACMA

CHAIR—I do not have the annual report with me, but *can you provide details of the breaches: how many and the circumstances of the breaches, and what happened in each case?*

Mr Meagher—*In terms of the classification breaches?*

CHAIR—Yes. *Do you know how many there are?*

Mr Meagher—I have a list here going back to 1999. There have been four where the ACMA has found that we breached the codes.

CHAIR—*But what about the internal ombudsman?*

Mr Meagher—I do not have that list with me but I can find it.

CHAIR—Thank you.

Answer

In 2009/10, SBS received 49 classification complaints. For the period July to December 2010, SBS received 31 classification complaints. Seven of these were upheld by the SBS Ombudsman. The details are set out below.

***Make Me Live Forever* – documentary classified PG**

Ombudsman finding: failure to broadcast appropriate consumer advice.

Action: relevant staff informed of importance of flagging unexpected material in PG programs.

***Amores Perros* – film classified MA15+**

Ombudsman finding: program should have been classified MAV15+ due to violence.

Action: film to be classified MAV15+ for future broadcasts.

***Indie Sex* – documentary classified MA15+**

Ombudsman finding: while classified correctly as MA15+, the M rating was displayed at the beginning of the program due to a technical problem.

Action: key staff informed and measures taken to guard against this happening again.

***5 x 2* – film classified MA15+**

Ombudsman finding: program should have been classified MAV15+ due to violence.

Action: film to be classified MAV15+ for future broadcasts.

***Around the World in 80 Faiths* – documentary classified PG**

Ombudsman finding: the program should have been classified M rather than PG.

Action: program will be M for future broadcasts, staff reminded to apply classification principles consistently.

***Man Vs Wild – Everglades* – documentary classified G**

Ombudsman finding: material exceeded G.

Action: episode will be classified PG for future broadcasts.

Chevolution (M, doc)

Ombudsman finding: failure to provide appropriate consumer advice.

Action: a warning for violence will be added for future broadcasts.

Question 6 (Senator Barnett, p. 27 of *Hansard*) – Research into usage of new technologies

CHAIR—... Going to the issue of research, we had *Screen Australia tell us about the three hours per day for the average Australian to watch TV. Do you have any research to corroborate that? Or do you have any information that it is anything different in terms of screen watching, or any other research that might assist the committee in terms of this technological world that we are living in?*

...

CHAIR—... *Do you have any details of research regarding other technologies, let us say, computers, internet, computer games and usage time?*

...

Mr Meagher—We could have a look. The major accounting firms, Deloitte and PwC and people like that, regularly produce that sort of data.

...

CHAIR—... If you have *any further particulars regarding usage by the average Australian and also by children of the different platforms, that would be of interest to our committee.*

Mr Meagher—We will have a look and see what we have got. There is some material.

Answer

Relevant research reports are available on the ACMA website (www.acma.gov.au). The ACMA's 'Communication report' series provides information on the key trends in the communications and media sectors including Australian television audiences (children and adults) and internet use. The most recent report is the 2009/10 report.

Reports prepared by the major consulting firms may also contain relevant information. For example Deloitte produces reports on technology and media predictions and trends (www.deloitte.com). PricewaterhouseCoopers produces an annual Australian Entertainment and Media Outlook (www.pwc.com.au).

The Australian Interactive Media Industry Association's 'Digital Nation 2010' report presents research on digital technologies and their usage (www.aimia.com.au).

Question 7 (Senator Barnett, p. 28 of *Hansard*) – Points of difference between the Code of practice and the Classification Guidelines

CHAIR—...I want to go to the ABC, *in terms of your code of practice. It is based on the guidelines for the classifications of film and computer games but there are important differences and, according to page 1 of your submission, that reflects the ABC's independence as a public broadcaster. So I am thinking to myself how can the ABC's independence as a public broadcaster qualify you to and allow you to be slightly different? Why is that?*

Mr Brealey—As Mr Meagher said before, it is in our legislation to be independent in editorial content matters. Part of that is being able to make decisions around our content that we know suits our audience and that we think are the most appropriate for our audience and for the ABC.

CHAIR—*Have you got an example?*

Mr Brealey—As we were saying before, some of the ways in which content is assessed by the board is on the basis of DVD sets. We look at individual programs. We will cut them down or edit them where we think it would be appropriate for our audiences to do that. In that case we have quite different circumstances around the sorts of content we broadcast in some cases and we need to be flexible enough to deal with those.

CHAIR—*Can you give me any specific examples or can you take them on notice?*

Mr Brealey—Of where we have differed?

CHAIR—Yes.

Mr Brealey—I will take it on notice.

Answer

Not applicable. This question refers specifically to the reference in the ABC's submission that its classification regime contains 'important differences' from the Guidelines for the Classification of Films and Computer Games. SBS's television classification code is based on the Guidelines, and SBS also pays special attention to levels of violence, sex and nudity, and use of language,

Question 8 (Senator Crossin, p. 31 of Hansard) – FamilyVoice Australia's submission

Senator CROSSIN—I ask you—ABC, SBS and Free TV—to take on notice to *have a look at FamilyVoice Australia's submission. Have a look at the song and the words of that song and let us know what sort of classification your areas would apply to that*, because they highlight that to us as one example where that song/video has not been subject to the National Classification Scheme but was still broadcast on air, as I understand it.

Answer

SBS understands that the songs referred to in the FamilyVoice Australia submission were in the context of the 'ARIA/AMRA Labelling Code of Practice for Recorded Music Product Containing Potentially Offensive Lyrics and/or Themes' and related to the sale of audio recordings.

SBS's Television Classification Code applies to audio-visual content. Without accompanying visuals, or even the actual audio, it is not possible to prepare an accurate classification. Based on the lyrics alone, the references to acts of violence are likely to have less impact than similar acts which have been graphically portrayed in dramatic and horror films and that have been variously classified M, MA15+ and R18+. Therefore, depending on the context within which these lyrics are provided, they could be conceivably accommodated within a similar range.

Question 9 (Senator Barnett, p. 31 of Hansard) – Complaints in relation to music videos

CHAIR—AMRA and ARIA noted when they presented to us in Canberra that their complaints regarding music videos were not actionable under their code. Senator Crossin covered this. You are saying it is a small percentage, but *can we get some details of the complaints that you do get about these music videos and the nature of the complaints?* I presume they are about sexualisation of kids and objectification of women.

...

CHAIR—Yes, *just some overview details would be fine*. I do not want you to go back forever, but *just a little, a year or two, would be fine—and give us a feel for the nature of that*.

Mr Brealey—And I would assume that *there would be a proportion about language as well*.

CHAIR—Yes. Certainly, in the lyrics in the FamilyVoice Australia submission, the language was—it was written down, and you will see in the submission that it was certainly offensive, I think, to a lot of people.

Answer

Not applicable.