

14 June 2008

Mr Derek Abbott  
Secretary  
Senate Standing Committee on Environment, Communications  
and the Arts  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

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Dear Mr Abbott,

**RE: Inquiry into the Effectiveness of the Broadcasting Codes of Practice**

In the course of giving evidence to the Committee, I indicated that I would try to obtain some information about the number of complaints dealt with by the UK regulator, the Office of Communications (Ofcom) under the Broadcasting Code. This information is provided in the Appendix to this letter. It should be noted that I have included information for only two years. This is because the Broadcasting Code which deals with matters of broadcasting content only came into effect in July 2005. It should also be noted that under a co-regulatory arrangement some matters relating to broadcast advertising content are dealt with by a self-regulatory body, the Advertising Standards Authority (ASA). I have not provided information in relation to the matters dealt with by the ASA.

Under the Communications Act 2003 (UK) Ofcom has a duty to investigate complaints from the public about radio and television content which are transmitted by broadcasting licensees. The Broadcasting Code also applies to the BBC, although some content obligations, such as impartiality, remain the responsibility of the BBC.

In the course of giving evidence, the issue of financial penalties arose. I have also provided some information giving an indication of the type of fines imposed.

I trust this information is useful to the Committee.

Yours sincerely,



Lesley Hitchens

## Appendix

### For the period April 2005 to March 2006<sup>1</sup>

Ofcom dealt with 14,227 complaints:

- 14,025 related to programme standards<sup>2</sup>
- 202 related to unfairness and/or infringements of privacy.

In relation to the complaints about programme standards, 1,102 cases<sup>3</sup> were closed. Of these cases:

- 5 broadcasters were subject to statutory sanctions. These matters related to 16 separate issues (or cases)<sup>4</sup> in respect of either single or multiple programmes. (23 complaints)
- 63 cases were found to be partially in breach or in breach (494 complaints)
- 109 cases were resolved or partially resolved (334 complaints)
- 914 cases were not in breach (13,174 complaints)

In relation to the complaints about breaches of fairness and/or privacy, 202 cases were closed<sup>5</sup>. Of these cases:

- 19 were upheld (16 in part)
- 51 were not upheld
- 7 were resolved after action taken by the broadcaster
- 125 were not entertained or discontinued.

### For the period April 2006 to March 2007<sup>6</sup>

Ofcom dealt with 5,575 complaints:

- 5,405 related to programme standards
- 170 related to unfairness and/or infringements of privacy.

In relation to the complaints about programme standards, 1,483 cases were closed. Of these cases:

- 4 broadcasters were subject to statutory sanctions. These matters related to 24 separate issues in respect of either single or multiple programmes. (15 complaints)
- 58 cases were found to be partially in breach or in breach (94 complaints)

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<sup>1</sup> Ofcom, *Annual Report 2005/6*, 85-86

<sup>2</sup> 8,860 of these complaints related to one programme.

<sup>3</sup> A case can represent more than one complaint.

<sup>4</sup> An issue refers to a Broadcasting Code breach.

<sup>5</sup> In the case of fairness and privacy complaints, the number of cases usually equates with the number of complaints because the complainants will be complaining about treatment to themselves.

<sup>6</sup> Ofcom, *Annual Report 2006/7*, 68-69. The reporting of the complaints is not entirely consistent with the previous year's reporting (or there is an error in the reporting of the information for 2006/7), and so may not be directly comparable.

- 75 cases were resolved or partially resolved (159 complaints)
- the remainder were not in breach (5,137 complaints)

In relation to the complaints about breaches of fairness and/or privacy, 184 cases were closed. Of these cases:

- 27 were upheld (21 in part)
- 53 were not upheld
- 7 were resolved after action taken by the broadcaster
- 97 were not entertained or discontinued.

An indication of financial penalties imposed by Ofcom<sup>7</sup>

2005-2006

- Channel 4 Television Corporation - £5,000
- Life TV Media Ltd (re Life TV) - £12,000
- Video Interactive Television (re Channel U) - £18,000
- Piccadilly Radio (re Key 103 FM) - £125,000

2006-2007

- Kiss 100FM - £75,000 (fairness and privacy complaint) and £100,000 (programme standard breaches)
- Gamecast UK Ltd (re You TV2 and TV3) - £100,000
- Television Concepts Ltd (re Look4Love) - £175,000 and licence revocation

2007-2008 (covering April '07-May '08)

- Life Showcase Ltd - £125,000
- Channel 5 Broadcasting Ltd - £300,000
- In May 2008, Ofcom imposed on ITV Plc fines totalling £5,675,000 for breaches of the Broadcasting Code in relation to abuse of premium rate services. In addition, ITV agreed to pay £7.8 million in compensation to viewers and to charity. ITV plc operates the ITV Network (Channel Three) the largest commercial free-to-air television channel in the UK. This is the highest fine imposed by Ofcom or previous regulators of broadcasting.<sup>8</sup>

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<sup>7</sup> Information has not been provided on all financial penalties imposed during this period

<sup>8</sup> The size of the fine reflected the seriousness of the matter and the repeated nature of the breaches. The largest fine previously imposed by Ofcom was \$2 million.