

The Secretary
Senate Standing Committee on Environment, Communications and the Arts
Canberra

INQUIRY:
"Effectiveness of the Broadcasting Codes of Practice"

Submission

The film named "Obscene Machines" was broadcast by 'SBS', and SBS was subsequently held responsible for associated delinquent actions.

The case of the film named demonstrates the failure of:

1. classification processes
2. complaint processes
3. enforcement processes

It would be difficult to establish that SBS, its management, staff or its interests, have been disadvantaged in any way by the sanctions of the regulator, because the sanctions were applied so long after the offences, and that extended time lag allowed SBS to continue the momentum generated by the delinquent programming, to capitalise on its transgressions by subsequent programming which built on the general genre of the delinquent program.

The inutility of complaint processes, and the ineffectiveness of sanctions make the regulator's function completely unsatisfactory.

The willingness of broadcasters to program very irresponsibly, as judged by the fair minded citizen, and found so by the regulator, requires regulatory arrangements which provide fast and mandatory intervention, prevention, and punishment as appropriate.

The SBS "Obscene Machines" case clearly demonstrates the inutility of the regulatory arrangements. Broadcasters who program material of lesser delinquency can hardly fear greater accountability, both to answering consumers' complaints, and also to avoiding effective punishment.

This review is required to give effect to the actual broadcasting of content, in accordance with classification standards, which are no less prescribed than now specified.

yours sincerely,
Gerard Flood