

# Why the ABC's complaints procedure is flawed

## VIEWPOINT

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On March 8 the Australian Broadcasting Commission (ABC) released its first analysis of its new complaints procedure. While the ABC report has been generally welcomed in media circles, “consumers” of the ABC complaints process have been less than enthusiastic about its findings.

Among them is the International Committee for Jewish Solidarity (ICJS), which used the ABC complaints process – and found it wanting. The process itself has four tiers:

- A department within the ABC's Audience and Consumer Affairs (ACA) Department examines and responds to all complaints in the first instance;

- Unsatisfied complainants can have their complaints reviewed by the Complaints Review Executive (CRE), an ABC-appointed person, namely Murray Green;

- Those complainants who remain unsatisfied can take their complaints to the Independent Complaints Review Panel (ICRP), a panel of four people appointed by the ABC (but not ABC employees) to offer an independent review; and

- If the complainants are still unsatisfied, they can take the matter to the Australian Broadcasting Authority (ABA), a body not appointed by the ABC.

ICJS members took complaints through all four tiers of the process and discovered flaws in all of them.

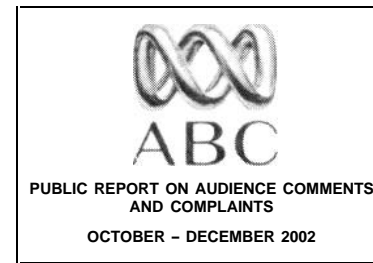
According to the ABC report, “1353 [of the contacts made to the ACA in the three-month period] were complaints. Of these complaints, 21 were upheld either fully or partially.”

This means that only 1.55 per cent of complaints were upheld. Is this “small” figure a good result? There are two sides to the coin. Perhaps the ABC is correct 98.45 per cent of the time, and the complainants got it wrong. A more plausible reason for this high figure is that the ABC is reluctant to find against itself.

The report further reveals that when it comes to the classification of complaints by category the process is also severely flawed. There are 31 categories of complaint, including categories for “lack of balance”, “racism”, “sexism”, “sex and sexuality”, “other bias” and “other”.

It sounds great in principle. But what if a complaint touches issues of racism, sexism and imbalance in the one complaint? Isn't all bias a lack of balance? If the ABC is to categorise complaints meaningfully, the complainant should elect the categories of complaint themselves.

The ABC report has one section dealing with the ABC's treatment of the Jenin incident in *Correspondent's Report* (August 4, 2002). The correspondent stated explicitly “there was a massacre”: Fifty-eight complaints



The cover of the ABC's report on comments and complaints.

were received challenging that assertion. The CRE wrote that the circumstances “are most difficult to analyse”, but “claims of partisanship and lack of accuracy could not be supported”.

But the CRE failed to actually examine the facts of Jenin. Its executive analysed the problem from behind the desk – he took the dictionary, the transcript, the ABC code of practice, but conveniently forgot to mention the Human Rights Watch report, which clears Israel of perpetrating a massacre.

The complaint about Jenin was taken to the ICRP, the next level of appeal for unsatisfied complainants. It washed its hands of the whole affair, saying “the report was balanced and as a result, [we] do not propose to accept your complaint for further review”. Does the ABC seriously think this is an example of a properly functioning complaints system?

The most startling discovery made by any ICJS member about the complaints procedure is that the ABC can put anything – even racially vilifying material – on its website. This bombshell was dropped on March 5, when one ICJS member took a complaint to the ABA.

The complaint alleged bias on the

ABC website. The ABA ruled that “the ABC's code of practice does not address the issue of material placed on its website. As such, the ABA is unable to take any action in relation to your complaint.”

In other words, the ABC's website, is immune from scrutiny. This ruling more than any other makes a mockery of the ABC's complaints procedure.

In the course of the last six months, ICJS members have exercised and challenged the ABC complaints procedures at all levels and found them wanting.

It is not designed to help the community, but rather to disempower would-be complainants. Its purpose is to expeditiously terminate complaints. Out of 1353 complainants 1332 were turned away.

The community needs to ask whether the ABC can be relied on to regulate itself. The public normally puts tough requirements on professional review bodies. Medical review panels have medical professionals, a legal representative, consumer representation, an ethics representative and so on.

Media organisations believe they are sacred, that a free press requires no outside regulation. But the ABC stands apart from other media organisations: it is publicly funded. The ICJS believes the only way the ABC can be held to account is through an independently-constituted review panel.

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