

s 47F

From: Broadcasting
Sent: Tuesday, 7 May 2024 9:33 AM
To: s 22
Cc: s 22; Broadcasting
Subject: RE: Your complaint about s 22 broadcasts on 21 January and 14 February 2023 [SEC=OFFICIAL]

Follow Up Flag: Follow up
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ACMA reference: BM-13525 and BM-13526

Dear s 22,

RE: Your complaint about s 22 broadcasts on 21 January and 14 February 2023

Thank you for your complaint about the compliance of s 22 with the Subscription Broadcast Television Code of Practice 2013 (the Subscription Code).

We appreciate that this matter is of concern to you and thank you for your patience while we assessed your complaint.

When we receive a complaint about a broadcast, we weigh up a number of factors to help us decide whether to investigate further. We have carefully assessed your complaint, the s 22 response, a copy of the broadcasts and the relevant rules in the Subscription Code.

Subclause 2.1(a) of the Subscription Code states that 'Licensees will not broadcast any program which is likely in all the circumstances to provoke or perpetuate intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of age, colour, gender, national or ethnic origin, disability, race, religion or sexual preference'.

The terms 'intense dislike', 'serious contempt' and 'severe ridicule' create a high threshold and mean that material must be capable of provoking a strong response in viewers for a breach of the Code to be found. The ACMA has considered in previous investigations that material that merely conveys negative feelings or connotations towards a person or group will not be enough to provoke those same feelings in an ordinary reasonable viewer. There must be something more than an expression of opinion; rather, there must be something that is positively stimulatory of that reaction in others.

s 22 broadcast on 21 January 2024

Having reviewed a copy of the relevant segment the ACMA notes that the term 'Palestinian savages' was used twice by guest commentator s 22, who was recalling firsthand vision he had seen in an Israeli Defence Force (IDF) video of the events of 7 October 2023. The reference is used to describe specific individuals who were shown in the video participating in violent attacks perpetrated on attendees at a music festival and did not appear to refer to Palestinian people more generally.

s 22 broadcast on 14 February 2024

The ACMA reviewed the relevant segment, which related to the leaking of personal details online (doxxing) of a Sydney mother (of Jewish origin) and the online abuse she and her family subsequently received once her details were made public. During the segment panellist s 22 presented his opinion regarding the spread of Nazism and antisemitism post World War II; noting there is a 'deep undercurrent of Nazism throughout the Western

World' and 'certain parts of the Middle East', where the Nazism in the western world has 'bubbled to the surface since October 7'. Mr **S 22** then described the Nazism as 'hateful', 'sick' and 'filled with a vile hatred of Jewish people'. The comments did not appear to be directed at any specific group of people based on race or nationality rather the comments appeared aimed at those who had anti-Semitic views and had targeted the mother.

Further, while providing his opinions regarding dealing with Nazism, Mr **S 22** noted, 'and what we need after the war is over and Israel have defeated these Palestinian savages is probably for the world leaders of the democratic world' to 'get together' and create 'uniform legislation to stop this Jew hatred ever happening again'. It would likely have been understood by viewers that the reference to 'Palestinian savages' was referring to Hamas fighters following the events of 7 October 2023, rather than to Palestinian civilians or Palestinian people more generally.

While the ACMA acknowledges the offence the segments have caused you, as noted above, material that merely conveys negative feelings or connotations will not be enough to provoke those same feelings, in all circumstances, in an ordinary reasonable viewer. Given the context in which the relevant statements were made, it is unlikely that the broadcast reached the high threshold required to provoke a response in all circumstances, of 'intense dislike', 'serious contempt' or 'severe ridicule' against a group of people because of their ethnic origin, race or religion as required for a breach of the Subscription Code.

We also note that your complaint alleged a breach of the *Racial Discrimination Act 1975*. Please note that the ACMA's remit does not include consideration of compliance with the *Racial Discrimination Act 1975*, hence our assessment of your complaint has been limited to the compliance of the relevant broadcasts with the Subscription Code.

Given the above factors, the ACMA has decided to take no further action. However, the ACMA has logged your complaint in our database to help us identify potential recurring or systemic issues with legislation, codes of practice and standards.

You can find out more about our approach to broadcast investigations on the [ACMA website](#).

If you have concerns about the way we have handled this matter, you can contact the [Office of the Commonwealth Ombudsman](#).

Thank you for bringing this matter to our attention.

Yours sincerely,

S 47F

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The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.

