



2WFM – Sydney

Failure to meet contemporary standards of decency

The complaint

The complaint was about a contest called *Don't Tell Us Your Name, Tell Us Your Secret*, broadcast on 21 January 2002. The complainant was concerned that the prize was awarded to a caller who disclosed the 'secret' that he had arranged for the alleged boyfriend of his wife to be 'beaten up', and believed this gave tacit approval to criminal behaviour.

Relevant code of practice

1.3 A licensee must not broadcast a program which:

(a) is likely to incite, encourage or present for its own sake violence or brutality;

...

1.5(a) All program content must meet contemporary standards of decency, having regard to the likely characteristics of the audience of the licensee's service.

The decision

The ABA decided that the broadcast did not breach subclause 1.3(a) of the code, as it was not likely to have incited, encouraged or presented for its own sake violence or brutality.

The ABA determined that the broadcast breached subclause 1.5(a) of the code. Certain elements of the broadcast went to the issue of community standards:

- the caller revealed that he had, in effect, participated in a criminal conspiracy that resulted in harm to another person;
- the caller demonstrated no remorse for the unlawful behaviour, and laughed when responding to a question about whether the man who sustained the beating was alright: *'I don't know and I don't care'*;
- throughout the exchange with the caller, the presenters did not criticise or comment

adversely on the caller's actions, nor did they note its criminal nature; and

- the licensee rewarded the caller's 'secret' with a prize.

The ABA recognises that station contests are a method commonly used to attract listeners. Contests of this type that involve the disclosure of personal 'secrets' could invite subject matter that is considered to be anti-social or improper. It is therefore incumbent upon licensees to ensure that the resultant program content does not approve, explicitly or implicitly, anti-social or unlawful conduct that does not meet community standards.

On this occasion, a caller was rewarded by the licensee for publicising an account of his involvement in criminal conduct, an assault. Further, the presenters failed to expressly indicate to the audience that the behaviour described by the caller was unlawful or in any way unacceptable. The circumstances of the broadcast tended to indicate that such behaviour was acceptable. Although the licensee submitted that the reward was given on the basis of the level of 'candour', rewarding this particular caller conveyed the impression that the activity was condoned.

The licensee strongly disagreed with the ABA's decision. It also advised that it has altered station practices regarding the contest to ensure that calls disclosing criminal activity would not be broadcast.

Action taken

Taking into account that this is the first occasion on which the licensee breached this code provision, as well as the licensee's stated remedial action, the ABA decided not to take any further action against the licensee in relation to this matter.

