



2DAY FM - Sydney

Unsuitable program content and language

The complaint

The ABA received a written complaint concerning the 'Bucket of Truth' segment of the program *Hot30.com Countdown* broadcast by commercial radio station 2DAY FM Sydney on 16 April 2001 at 8.30 p.m. during school holidays. The complainant alleged that the celebrity guest's answers to provocative questions contained language which did not meet contemporary standards of decency.

Relevant code of practice

Subclause 1.5(a) of the Commercial Radio Codes of Practice (the Codes) states that:

Program Content and Language...

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.

Subclause 7.1(c) of the Codes provides:

7.1 Licensees must endeavour to comply with the Codes, but a failure to comply will not be a breach of the Codes if that failure is due to:

...

(c) an act or default of another person, or to an accident or some other cause beyond the licensee's control

and the licensee took reasonable precautions and exercised due diligence to avoid the failure.

The decision

The ABA determined that the licensee of 2DAY FM, Today FM Sydney Pty Ltd (Today), breached subclause 1.5(a) of the Codes by broadcasting prolonged and explicit comments about masturbation, sex, erections and an attack of diarrhoea that would have offended

contemporary standards of decency, including those of the likely audience of people aged 10 to 24 years.

Today claimed that no breach finding was warranted against it, but was unable to satisfy the ABA that it had taken the action required by subclause 7.1(c). The ABA is of the view that 2DAY staff contributed to the breach by asking questions that provoked the distasteful content of the guest's answers, and that the broadcast of the offensive material was not due to circumstances beyond the licensee's control. The ABA concluded that Today should not have the benefit of subclause 7.1(c).

Action taken

Today advised that, as a result of this incident:

- the 'Bucket of Truth' segment had only been broadcast once during the last six months;
- approximately 80 per cent of *Hot30.com Countdown's* interviews are now pre-recorded in order to diminish the risk of broadcasting unsuitable material;
- the presenters of the show have been apprised of the ABA's preliminary finding and have been directed to switch off the microphone in the event of a similar occurrence; and
- Today management conducts routine air checks and other audits of the program's content, and meets regularly with the show's presenters to discuss issues concerning material suitable for broadcast.

Due to Today taking the above steps to prevent similar breaches occurring in the future, and as this is the first such breach found by the ABA against Today, the ABA will not be taking any further action in this matter.

