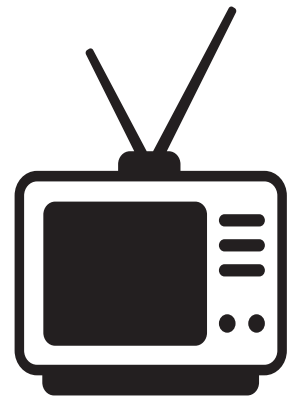


BREACHES BY BROADCASTERS

TEN TO CHANGE **BIG BROTHER UNCUT** FOLLOWING BREACH



Network Ten is to change its procedures regarding *Big Brother Uncut* following the finding of breaches of the Commercial Television Industry Code of Practice July 2004 by ACMA.

ACMA has obtained undertakings from The Ten Group Pty Ltd that will change the way future *Big Brother Uncut* programs will be prepared and classified. The undertakings should ensure that future programs do not contain material that exceeds the MA15+ classification criteria.

The measures to be implemented by Ten will provide safeguards against the broadcast of inappropriately classified material. ACMA will monitor the effectiveness of Ten's undertakings and may decide to impose additional conditions on Ten's broadcasting licences if concerns about compliance with the code arise again.

A breach of such a licence condition could attract serious punitive sanctions.

The undertakings by Ten follow ACMA's finding that Ten licensees breached the Commercial Television Code of Practice in relation to episodes of *Big Brother Uncut* broadcast on 30 May 2005 and 13 June 2005. ACMA found the programs were not classified in accordance with the Television

Classification Guidelines contained in the code.

Ten has advised that *Big Brother* production processes have been reviewed to help prevent sexually demeaning behaviour occurring and Ten will ensure that there is sufficient time for editing future programs before broadcast. Two classifiers, including Ten's senior classifier, will separately assess each program before broadcast. Ten also will provide confidential weekly reports to ACMA about any viewer complaints that *Big Brother Uncut* breached the code.

THE INVESTIGATION

On 23 June 2005, the former Australian Broadcasting Authority commenced an investigation of whether episodes of *Big Brother Uncut* broadcast on 30 May 2005, 6 June 2005 and 13 June 2005 were in breach of the Commercial Television Industry Code of Practice July 2004. ACMA assumed responsibility for the investigation from 1 July 2005.

The investigation was undertaken in respect of Network Ten (Adelaide) Pty Limited, Network Ten (Melbourne) Pty Limited, Network Ten (Perth) Pty Limited, Network Ten (Sydney) Pty Limited and Network Ten

(Brisbane) Pty Limited, which are commercial television licensees operated by Ten.

On 16 September 2005, ACMA published its decision that each of the licensees breached clause 2.4 of the code.

TEN'S UNDERTAKINGS

In responding to ACMA's preliminary view that breaches of the code had occurred, Ten advised that it had taken steps to prevent further breaches.

- Ten will conduct an extensive two-day education program for the production crew before the next season of *Big Brother* to outline the requirements of the MA15+ classification, with a focus on the breach findings. We will reinforce the training with follow-up visits to the production studios once the show has commenced.
- Ten will develop detailed internal classification guidelines for the *Big Brother* production crew based on ACMA's findings. Ten will give a copy of ACMA's final investigation report, together with an explanation of the decision, to relevant production staff and management at Ten and Endemol Southern Star.
- Ten will report to ACMA before the start of the next

season of *Big Brother* on the network's compliance with the training and information program.

ADDITIONAL MEASURES IMPLEMENTED

- We have initiated an independent review of the *Big Brother* production process by Associate Professor Catherine Lumby and Ms Karen Wilils, Director of the NSW Rape Crisis Centre. The review looked at whether the necessary precautions are taken to prevent sexually demeaning behaviour in the house.
 - In July 2005 Associate Professor Lumby conducted a half-day workshop with *Big Brother* production staff. All senior production staff attended. During the workshop, Associate Professor Lumby discussed existing procedures, rules, guidelines, codes and operational practices used in producing *Big Brother* programs. Ways of improving those protocols were also discussed in the context of events that could and have occurred on the show.
- We also undertake to provide a copy of the report to ACMA, and implement the recommendations of the review, including:
- Improve codes of conduct and housemate training to increase awareness of sexual harassment, assault and bullying.

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. Go to ACMA > Publications > Broadcasting > Investigations and then Radio operations and Television operations. The reports are arranged in order of licensee.

- Formalise the system of monitoring housemate behaviour from the control room by drawing up guidelines for appropriate behaviour. The control room will use the guidelines to identify risky situations and immediately refer them to production executives for advice.
- Identifying problematic behaviour at an early stage, and intervening if necessary, will have a positive impact on the nature and context of material that is available for broadcast.

FURTHER UNDERTAKINGS

ACMA subsequently obtained additional undertakings from Ten.

1. Ten undertakes that *Big Brother Uncut* production processes will be amended to allow time for classifiers to view the program, and that time and production resources will be available to recompile the program if necessary for classification purposes. Ten will compile *Big Brother Uncut* in enough time to allow the program to be viewed in its entirety so that any required classification changes can be made before the program
2. In 2006, two classifiers will separately assess each episode of *Big Brother Uncut*. The first classifier will be the full-time classifier of the *Big Brother* programs who is based on the set in Queensland. The second classifier will be Network Ten's senior classifier, Sally Stockbridge.
3. For the duration of *Big*

airs. This will include enough time to modify and revise all or part of the program as necessary. In any event, Ten will ensure that all classification matters are fully considered in accordance with Undertaking 2.

Brother Uncut in 2006, we will provide a weekly report to ACMA on any code complaints we receive about the program and Network Ten's response to them. The report will be provided on a confidential basis in a form agreed between Network Ten and ACMA.

This information will provide an alternative and immediate form of monitoring that demonstrates Network Ten's ongoing compliance with the code, as well as any issues of concern to the public.

We could provide additional reporting to ACMA on request.

4MCY Nambour breached complaints handling code



ACMA has found Hot 91 FM Pty Ltd, the licensee of commercial radio station 4MCY Nambour, breached the Commercial Radio Codes of Practice 2004 by not informing a complainant that she had the right to refer her complaint to ACMA if she was not satisfied with its response.

On 11 August 2005, ACMA received a complaint about an advertisement broadcast by 4MCY on 8 August 2005. The complainant considered that the advertisement was inappropriate and did not meet contemporary standards of decency. ACMA

also investigated whether 4MCY had complied with the relevant complaints handling procedures.

ACMA determined that the licensee of 4MCY breached clause 5.7 of the codes in that the licensee did not inform the complainant that she had the right to refer the complaint to ACMA if she was not satisfied with its response.

ACMA also determined that the licensee did not breach clause 1.5(a) of the codes in that the program content met contemporary standards of decency, having regard to

the likely characteristics of the audience of the licensee's service.

ACMA noted that the licensee indicated that all future complaints will now be recognised by both the General Manager and the Managing Director, both of whom are aware that in all cases a complainant must be referred to ACMA. ACMA considers this action addresses the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard.

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