

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.

Big Brother Uncut breaches TV code again

A third episode of the 2005 series of *Big Brother Uncut* has been found to have breached the Commercial Television Code of Practice.

Big Brother is a reality television series, broadcast by Network Ten licensees, that presents a group of people sharing a house for approximately three months and competing for a cash prize. *Big Brother Uncut* is an MA classified program in the series, and contains content that would not be suitable for broadcast in other time periods.

The episode broadcast on 4 July 2005 was investigated by ACMA after receiving two complaints from members of the public that had not been resolved by Network Ten. ACMA found that the episode breached clause 2.4 of the code, which requires that material be classified in accordance with the Television Classification Guidelines.

The complaints were initially made to the relevant broadcasting stations, as required under the code. However, the complainants were dissatisfied with the stations' response and subsequently referred their complaint to ACMA for investigation.

The investigation was undertaken in respect of Network Ten (Brisbane) Pty Limited and Network Ten (Perth) Pty Limited.

ACMA considers that the 4 July 2005 episode contained

strong adult themes, combined with other classifiable elements such as sexual references, implied sexual behaviour and full frontal or partial nudity, with a cumulative intensity beyond that which could be justified by the story line or program context. ACMA found the episode as a whole was beyond the level of suitability for the MA(15+) classification.

The classification scheme set out in the code reflects well-accepted community standards and provides safeguards against the broadcast of inappropriate material.

Previously, episodes broadcast on 30 May and 13 June 2005 were found to have breached clause 2.4 of the code, following an investigation into three episodes of *Big Brother Uncut* in response to considerable public comment on the contents of the program.

Following the September 2005 breach findings, the Ten Network provided ACMA with undertakings about the approach it will take in classifying the 2006 series of *Big Brother Uncut*. The undertakings are intended to ensure that future programs do not contain material that exceeds the MA(15+) classification criteria.

ACMA considers these undertakings also address factors which contributed to the code breach found by ACMA in its investigation into the 4 July 2005 episode. ACMA will be looking to Ten to deliver on

these undertakings for future series of the program.

Given the time that has elapsed, ACMA has committed to ensuring that its investigation procedures are both timely and fair. ACMA will be looking at its investigation processes to identify where improvements can be made, particularly in relation to the timeframes involved.

Following ACMA's breach findings in September 2005, Ten provided the following undertakings to ACMA.

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

- Ten initiated an independent review of the *Big Brother* production process by Associate Professor Catherine Lumby and Ms Karen Willis, 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 Assoc. Professor Lumby conducted a half-day workshop with *Big Brother* production staff. All senior production staff attended. During the workshop Assoc. 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. Ten also undertook to provide a copy of the report of the review 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 issues.
 - 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

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2DAY FM breached codes during *Lowie's Hot 30 Countdown*

Today FM Sydney Pty Ltd, the licensee of commercial radio service 2DAY Sydney, was found to have breached the Commercial Radio Codes of Practice by broadcasting inappropriate sexual material in the *Lowie's Hot 30 Countdown* program.

A complaint was received on 17 November 2005 about the program *Lowie's Hot 30 Countdown* broadcast by 2DAY FM on 14 November 2005. The complainant alleged that the program contained inappropriate sexual content, particularly as the program has a significant number of young listeners.

ACMA found that the licensee breached clause 1.5 (a) of the Commercial Radio Codes of Practice (the codes) because

the program did not meet contemporary standards of decency, having regard to the likely characteristics of the audience. It also found the licensee breached clause 1.7 of the codes because the program was broadcast before 9.30 pm and contained an explicit sexual theme as its core component.

Action taken by the licensee to address the compliance issues raised by this finding include:

- on 25 January 2006, the *Lowie's Hot 30 Countdown* team (the host and presenter) underwent intensive retraining on the requirements of the Commercial Radio Codes of Practice by Austereo's General Counsel, with specific discussion focused on this complaint;

- during these retraining sessions, particular attention was paid to discussion of contemporary standards of decency, the anticipated audience and of broadcasting sexually explicit material outside the permitted hours of 9.30 pm and 5.00 am; and
- a commitment has been received from the 2Day FM Program Director (and communicated to the Lowie's Hot 30 team as well as other on-air and off-air staff) that all interviews that have the potential to be of a slightly risqué nature will be pre-recorded. This will enable Austereo to edit content as required to ensure adherence to the codes and to allow it to make an editorial decision not to run the interview (or parts

thereof) if it is considered to be in potential breach of the codes.

ACMA considers that these actions are currently adequate to address the compliance issues raised by the investigation, but will continue to monitor the licensee's performance. The investigation report is on the ACMA website at www.acma.gov.au ACMA > Publications > Radio & Television > Broadcasting > Investigations > Radio operations.)

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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.

Subsequently, ACMA 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 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.

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 Brother Uncut* in 2006, Ten will provide a weekly report to

ACMA on any Code complaints received 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.

Ten also undertook to provide additional reporting to ACMA on request.

The investigation report is on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Radio & Television > Broadcasting > Investigations > Television operations).