

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.

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).