

SBS breached codes of practice

ACMA has found that the Special Broadcasting Service (SBS) breached its codes of practice by broadcasting a documentary that exceeded the MA15+ classification. The program in question, *Obscene Machines*, dealt with the use of mechanical devices for sexual gratification.

The finding is in response to a complaint that *Obscene Machines* contained sexual material exceeding the level permitted in the MA15+ classification category. ACMA found that SBS breached Code 4 (Television Classification Code) of the *SBS Codes of Practice 2006* by incorrectly classifying the program MA15+.

The MA15+ category comprises the strongest material that is permitted for broadcast on SBS Television (apart from that with violent content). *The Guidelines for the Classification of Films and Computer Games*, which underpin the classification of programs broadcast on SBS, define MA15+ material as a legally restricted category that is unsuitable for viewing by persons under 15 years of age.

The impact of material classified MA15+ should be no higher than 'strong', sexual activity should be merely implied and nudity should be justified by context.

In ACMA's view, the nature and frequency of nudity and sexual references in *Obscene Machines* had a cumulative intensity greater than 'strong'. ACMA considered that one particular segment contained depictions of sexual activity with a level of detail and degree

of explicitness that exceeded the MA15+ requirement that sexual activity be merely implied.

The treatment of the subject matter in *Obscene Machines* is adult in nature. While the National Classification Scheme includes provisions for adult material in the R18+ classification category, the codes of practice for national and commercial television do not permit the broadcast of R18+ material on these services.

ACMA has written to SBS, drawing its attention to the seriousness of broadcasting material that exceeds the MA15+ level. SBS has advised ACMA that it will remove the documentary from its schedule and inform its classification department of the ACMA finding.

ACMA conducts various types of investigations under the *Broadcasting Services Act 1992* (the Act). Investigations under Part 11 of the Act are conducted in response to complaints received by ACMA relating to:

- In the case of a licensed broadcaster: a possible breach of the Act, the regulations, a licence condition, a class licence or a code of practice.



- In the case of the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS): a possible breach of a code of practice.

National broadcasters (ABC and SBS) are empowered to develop codes of practice covering their radio, television and other services. They must provide copies of these to ACMA.

If ACMA finds that a national broadcaster breached a code of practice, it may give the national broadcaster a notice recommending that it take action to comply with the relevant code. ACMA may report to the Minister on action taken by the national broadcaster in response to the notice, and the Minister must table such a report in the Parliament.

A copy of the investigation report is available on the ACMA website at <www.acma.gov.au> (go to Publications & research > Broadcasting publications > Investigations > Television operations investigations > Television operations – SBS tv investigations).

4TTT Townsville breached licence conditions on advertising and sponsorship announcements

ACMA has found that Townsville Community Broadcasting Company Limited, the licensee of community radio station 4TTT Townsville, breached its licence conditions by broadcasting advertisements and by exceeding its hourly limit on sponsorship announcements.

ACMA's investigation found that 4TTT broadcast advertisements on 6, 7 and 8 March 2007, and that it transmitted sponsorship announcements in excess of the five minute per hour limit on 7 and 8 March 2007.

However, as the licensee has already taken appropriate measures to ensure its obligations under the *Broadcasting Services Act 1992* are

met, ACMA is not proposing to take action at this time.

On 21 May 2007, ACMA received a complaint about the broadcast of advertisements and sponsorship announcements on 4TTT. Additionally, the complainant alleged that 4TTT was not continuing to represent the community interest in line with its licence obligations.

However, the investigation found that the licensee was meeting its obligations in this regard.

Townsville Community Broadcasting Company Limited holds a community broadcasting licence to provide a radio service for the general community of Townsville.

A copy of the investigation report is available on the ACMA website at <www.acma.gov.au> (go to About ACMA: Publications & research > Broadcasting publications > Investigations > Radio operations investigations > Radio operations – QLD community radio investigations).