

Monkey slur on AFL Footy Show may cost Nine \$200,000

A Sam Newman segment on Channel Nine's *The Footy Show* has been found to have breached the commercial television code and provoked severe ridicule. As a result of the ACMA finding, Nine has agreed to pay \$200,000 to charity in the event of any future breach by Mr Newman of the relevant code provision.

The segment in question was broadcast on 17 September 2009. During the show, presenter Sam Newman commented on the marriage of a Malaysian man to a much older woman. The ACMA found Mr Newman's repeated reference to the man as a 'monkey' and the statement that he is 'not long out of the forest' was a serious ridicule.

A lack of reasonableness and good faith meant the exemption in the code for satire did not apply.

'Nine's offer of an enforceable undertaking, whereby it would pay \$200,000 to an agreed charity for any future breach by Mr Newman of the code provision, confirms both the seriousness of the breach and the seriousness with which Nine is approaching future compliance,' said Chris Chapman, Chairman of the ACMA.

'Ridiculing or racially abusing dark-skinned people by comparing them to monkeys has recently received much media attention in Australia, particularly in and around the sporting arena.

'We believe a sporting commentator such as Mr Newman would have been aware of these incidents and should therefore have been aware that using the word monkey in this manner would be likely to provoke severe ridicule,' said Mr Chapman.

GTV Nine also agreed to a number of other provisions in the enforceable undertaking, including significant senior management overview of the materials to be used by Mr Newman and a broad-ranging reporting regime and training obligation.

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The ACMA found Nine Network's Adelaide affiliate, NWS, had also breached the code in broadcasting the same program. 🗨️

A transcript of the segment and the investigation reports 2341 (GTV) and 2331 (NWS) are available on the ACMA website at www.acma.gov.au (About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports > Television operations investigations).

The enforceable undertaking is also available on the ACMA website (go to For licensees & industry: Licensing & regulation > The ACMA's enforceable undertakings).