

Ballina community radio takes action after ads breach

ACMA has found that Paradise FM Community Radio Association Inc., the licensee of community radio service 2PAR Ballina, breached the Broadcasting Services Act by broadcasting advertisements during the program *Radio on Toast*.

On 12 September, ACMA received a written complaint regarding the licensee of 2PAR. The complainant alleged that the licensee broadcast advertisements and sponsorship announcements that ran in total for more than five minutes per hour during the *Radio on Toast*

program of 2 August 2005.

ACMA found that the licensee breached clause 9(1)(b) of Schedule 2 to the Broadcasting Services Act, as it broadcast advertisements on 2 August 2005 and also breached clause 9(3)(b) of Schedule 2 to the Broadcasting Services Act, as it broadcast sponsorship announcements that ran in total for more than five minutes per hour.

ACMA noted that in response to the preliminary breach finding, the licensee submitted that it had taken the following actions:

- all sponsorship scripts will now contain the tag printed in bold
- a sign-off routine has been implemented for all new sponsorship announcements to ensure that the tag is included
- station management is conducting random checks on sponsor audio files
- all station personnel have been made aware of the breach and the importance of avoiding future errors
- the incorrect implementation of the on-air software has now been rectified and
- the station has reduced the maximum sponsorship hourly allocation to 4 minutes and 15 seconds in breakfast (6.00 am–9.00 am), and 4 minutes and 30 seconds during the balance of the daily programming.

ACMA considered that these actions addressed the compliance issues raised in the investigation and will continue to monitor the licensee's performance in this regard.

Kempsey community radio licensee failed to keep records of broadcasts

ACMA has found that Hastings Community FM Radio Association Inc., the licensee of community radio service 2WAY Kempsey, breached the Broadcasting Services Act, by failing to keep records of matter broadcast.

On 4 July 2005, ACMA received a written complaint alleging that the licensee failed to make and retain records of its news broadcasts of 8 June 2005.

ACMA found that the licensee breached clause 5(2) of Schedule 2 to the Broadcasting Services Act by failing to cause a record of matter relating to current affairs to be made (of the news broadcasts of 8 June 2005). The licensee also breached clause 5(3) of Schedule 2 to the Act by failing to retain in its custody a

record of the news broadcasts for six weeks after they were broadcast.

ACMA noted that in response to the preliminary breach finding, the licensee has advised it now operates an Audio Digital Computerised Recording System, enabling it to retain broadcast material permanently in MP3 format. ACMA considered that this action addressed the compliance issues raised in the investigation, and will continue to monitor the licensee's performance in this regard.

ACMA also noted that the licensee had not previously breached these provisions of the Act.

2BCR Bankstown breached code by not having conflict resolution policy

ACMA has found that Bankstown City Radio Cooperative Ltd, the licensee of community radio service 2BCR Bankstown, breached the Community Broadcasting Codes of Practice 2002 by not having in place a written policy and procedure for resolving conflict within the organisation.

On 10 August 2005, ACMA received a written complaint alleging that the licensee was in breach of the Community Broadcasting Codes of Practice as it did not have in place a written conflict resolution policy and procedure for the organisation.

ACMA determined that the licensee of 2BCR breached the codes at clause 6.2 as, at 10 August 2005, it did not have in place a written policy and procedure which outline mechanisms to facilitate internal conflict resolution within the organisation.

ACMA notes that in response to the breach finding, the licensee had promulgated a written conflict resolution policy and procedure at its Board meeting of 11 October 2005. However, ACMA considered that the written conflict resolution policy and procedure does not strictly remedy the breach at clause 6.2, as the purpose and intent of Code 6 have not been met.

ACMA considers that as this is the licensee's first breach of clause 6.2, no further action will be taken at this stage. However, the licensee will be requested to provide, by 1 March 2006, a revised written policy and procedure for internal conflict resolution that meets the purpose and intent of Code 6.

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.