

Forster community radio service broadcast advertisements

ACMA has found that Great Lakes Area FM Community Radio Ltd, the licensee of community radio service 2GLA Forster, breached the Broadcasting Services Act by broadcasting advertisements during its broadcast of the *John Laws Morning Show*.

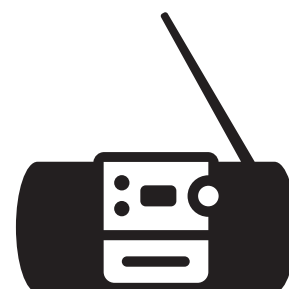
On 24 June 2005, the former ABA received a written complaint alleging that the licensee of 2GLA was in breach of its licence conditions as it broadcast advertisements and more than five minutes of sponsorship announcements in

an hour during the *John Laws Morning Show* broadcast on 10 May 2005.

ACMA determined that the licensee of 2GLA breached clause 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act by broadcasting advertisements. It also found the licensee did not breach clause 9(3) of Part 5 of Schedule 2 to the Broadcasting Service Act as it did not broadcast more than five minutes of sponsorship announcements during the hour 11.00 am to 12 noon on 10 May 2005.

The licensee has taken action to address the compliance issues raised by this breach finding, including training for all volunteers, particularly panel operators and on-air personnel.

ACMA considers these actions address the compliance issues raised by the investigation, particularly as the licensee has not breached these licence conditions in the last four years, and will continue to monitor the licensee's performance in this regard.



INTERNET COMPLAINTS IN OCTOBER

Established under Schedule 5 to the Broadcasting Services Act, ACMA's internet complaints hotline enables Australian residents to complain to ACMA about prohibited or potentially prohibited internet content. Complaints can be registered at www.acma.gov.au/hotline.

Internet content is assessed in accordance with the National Classification Code and Guidelines.

The prohibited categories for Australian-hosted content are RC (Refused Classification), X 18+ (consensual sexually explicit material), and material rated R 18+ (Restricted) that is not protected by adult verification procedures. For overseas-hosted content, the prohibited categories are RC and X 18+.

For Australian-hosted prohibited items, ACMA issues a take-down

notice to the relevant internet content host (ICH), directing the ICH not to host the content. Failure to comply with such a notice may result in a maximum penalty per day of \$5,500 for an individual and \$27,500 for a corporation. For overseas-hosted prohibited or potentially prohibited items, ACMA notifies the content to the suppliers of approved filter software in accordance with

procedures outlined in the internet industry codes of practice. Under the codes, internet service providers are required to provide one or more approved filters for the use of their subscribers.

If ACMA finds internet content is of a 'sufficiently serious' nature (such as child pornography), it will notify the relevant police force and/or the relevant accredited hotline overseas.

COMPLAINTS

Complaints received	72
Invalid complaints ¹	8
Investigations terminated ²	14
Investigations completed	52
Items actioned ³	44

ITEMS ACTIONED

CLASSIFICATION AND DESCRIPTION OF INTERNET CONTENT ⁴	AUSTRALIAN-HOSTED ITEMS (TAKE-DOWN NOTICE ISSUED)	OVERSEAS-HOSTED ITEMS (REFERRED TO MAKERS OF FILTERS)	TOTAL
X - Actual sexual activity	0	10	10
RC - Child - depiction	1	30	31
RC - Sexual violence - depiction	0	2	2
RC - Sexual fantasy - depiction	0	1	1
TOTALS	1	43	44

1 A complaint is not investigated by ACMA if:

- the complaint does not meet the statutory requirements under clause 22(3) and clause 25 of Schedule 5 (e.g. no internet address provided; complainant not an Australian resident) or
- the complaint falls within the meaning of clause 26(2) of Schedule 5 (frivolous, vexatious, not made in good faith, or made for the purpose of frustrating or undermining the effective administration of the scheme) or
- the complaint concerns matters not within the scope of Schedule 5 (e.g. the complaint relates to an electronic 'virus').

2 A complaint is terminated under clause 26(4) of Schedule 5 if ACMA has insufficient information to conclude the investigation.

3 ACMA assesses each piece of internet content, such as a single web page or newsgroup posting, separately (these are referred to as 'items' of internet content). Action is taken in relation to items of internet content found to be prohibited or potentially prohibited.

4 Descriptions of internet content in this table are based on the National Classification Board's Guidelines for the Classification of Films and Computer Games 2005, available at www.oflc.gov.au/resource.html?resource=62&filename=62.pdf.