

# BREACHES BY BROADCASTERS

## Cumberland Community Radio provides undertaking

Cumberland Community Radio Inc., the licensee of community radio service 2CCR Parramatta, has provided an undertaking to ACMA that it will encourage community participation in the operation of the service, and in the selection and provision of programs.

The licensee has also undertaken to provide reports on how it is giving effect to the undertaking in the six-month period from 1 July to 31 December 2005. These reports

are to be provided within one month from the end of each three-month reporting period, that is, by 31 October 2005 and 31 January 2006.

Cumberland Community Radio Inc. breached a condition of its licence by not encouraging members of the community that it serves to participate in its operations and in the selection and provision of programs.

Between 24 March and 27 April 2004, the ABA received

several written complaints about the licensee. The complaints related to the nature of the service being provided and raised questions of compliance, by the licensee, with conditions on its licence.

The ABA determined that the licensee breached the licence condition at paragraph 9(2)(c) of Schedule 2 to the Broadcasting Services Act. It also found the licensee did not breach the licence condition at paragraph 9(2)(b) of Schedule 2 to the Act in that, on balance, the licensee continues to represent the community interest that it represented at the time when the licence was last renewed.

The full reports on these investigations into potential breaches by licensees are on the ACMA website, [www.acma.gov.au](http://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.

## GTV 9 Melbourne too slow to respond to complaint

ACMA has found that General Television Corporation Pty Ltd, the licensee of commercial television station GTV 9 Melbourne, breached the Commercial Television Industry Code of Practice 2004.

The company was found to have not provided, within the time frame required by the code, a substantive written response to a complaint about a news item broadcast on 11 January 2005 during the *Nightline* program.

On 23 March 2005 the ABA received an unresolved written complaint regarding an edition of the program *Nightline* broadcast on GTV

9 Melbourne on 11 January 2005. The complainant alleged that the licensee had broadcast a news item concerning the (then) imminent release of terrorist suspect Mamdouh Habib from the Guantanamo Bay detention centre in Cuba that was not presented fairly or impartially. The complainant also alleged that the licensee failed to respond to his written complaint.

ACMA has since determined that the licensee:

- did not breach clause 4.4.1 of the code in broadcasting a news item on 11 January 2005 during the *Nightline* program, but

- breached clause 7.10 of the code by not providing, within the time frame required by the code, a substantive written response to the complaint.

In response to the breach finding, the licensee advised ACMA that it had counselled relevant staff regarding the station's obligation to respond to written complaints within the time frame required by the code and reminded them of complaints handling processes. The licensee has also written to the complainant to apologise for the lack of a timely written response.

These actions address the compliance issues raised by the investigation. The licensee has not been found to be in breach of the complaints-handling provisions of the code since June 2002 and its performance in complying with code will continue to be monitored.