

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.

## 5AA Adelaide vilified Aboriginal people

The ABA found that Festival City Broadcasters Pty Ltd, the licensee of commercial radio service 5AA Adelaide, breached the Commercial Radio Codes of Practice 1999.

The licensee was found to have broadcast a program which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race. The ABA also found 5AA breached the code by failing to respond to the complainant's written complaint about the broadcast.

On 21 May 2004, the ABA received a complaint about comments made concerning Aboriginal people broadcast on the *Bob Francis Show* on 5AA on 17 February 2004 between 11.00 pm and 12.00 midnight.

The ABA has determined that the licensee of 5AA, in broadcasting the *Bob Francis Show* on 17 February 2004:

- breached clause 1.3(e) of the Commercial Radio Codes of Practice 1999, by broadcasting a program which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race, and it was not presented reasonably and in good faith for purposes in the public interest, including discussion or debate about any act or matter and
- breached clause 5.6 of the code, as it did not respond to the complainant's written complaint about the broadcast.

The licensee is considered to have moved quickly to deal with this matter, including the broadcast of an apology by Bob Francis for the distress caused.

Since the broadcast that resulted in the breach finding,

5AA has taken actions including quarterly training, ongoing training and support, and monitoring.

5AA plans further training on compliance with all aspects of the code, not limited to a consideration of statements made in isolation but including consideration of the context of comments.

This, and the seriousness of the matter, was discussed at length with Mr Francis, who has made a commitment to properly address the issue. To remove to the greatest extent possible the prospect of any repeat of such unacceptable conduct, 5AA said it is committed to the training and management program, details of which were provided to the ABA.

The licensee has also confirmed steps taken in early 2004 to implement a formal process to ensure compliance

with the requirements of clause 5.6 of the code. These steps included logging complaints, providing a written response to complainants, advising complainants of their right to refer their complaints to the ABA (and now to ACMA) if they are dissatisfied with the licensee's response and maintaining a register of complaints. The register is administered by 5AA's General Manager and Financial Controller.

These were the first breaches against the relevant code provisions by the licensee in the past five years. The licensee's actions are considered to address the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance against the relevant code provisions.

## 2GLF LIVERPOOL BROADCAST ADVERTISEMENTS

ACMA has found that Liverpool–Green Valley Community Radio Cooperative Ltd, the licensee of community radio service 2GLF Liverpool, breached the Broadcasting Services Act, by broadcasting advertisements on a community radio program on 20 November and 11 December 2004.

Between 6 December 2004 and 31 January 2005, the ABA received written complaints about material on the Hindi program, *Radio Lehren*, broadcast on 2GLF Liverpool. The program is broadcast on Saturdays from 4.00 pm to 7.00 pm.

The complainant alleged that the licensee of 2GLF had breached its licence conditions by broadcasting advertisements that included an on-air 'auction' for a commercial enterprise; and sponsorship announcements for more than five minutes in the hour.

ACMA has since determined that the licensee did broadcast advertisements on the *Radio Lehren* program on 20 November and 11 December 2004, breaching paragraph 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act.

As the announcements broadcast were advertisements, it was not necessary to consider whether the licensee breached the sponsorship limits.

In response to the breach finding, the licensee has taken the following steps:

- Radio Lehren's presenter has been reminded of his obligation to adhere to the relevant Act and codes
- following receipt of the original complaint, the 'auction' style advertisement has ceased and all sponsorship announcements have been appropriately tagged and
- the presenter has been advised that the Bollywood competition announcements fall into the category of sponsorship announcements and not community information.

ACMA considers that these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's compliance with this requirement.