

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.

Bankstown community radio service breached limit on sponsorship announcements

ACMA has found Bankstown City Radio Cooperative Limited, the licensee of the community radio station 2BCR Bankstown, breached the Broadcasting Services Act by broadcasting more than the permitted amount of sponsorship announcements.

On 14, 16 and 18 March 2005, the ABA received a number of written complaints alleging that 2BCR had breached its licence conditions by broadcasting advertisements and sponsorship announcements that ran in total

for more than five minutes in the hour, during the Radio Rim Jhim Ka Sangam program broadcast on 20 February 2005 and the Radio Jhankaar program broadcast on 13 March 2005.

The Australian Media and Communications Authority took over the role and responsibilities of the ABA from 1 July 2005.

ACMA determined that the licensee of 2BCR breached the licence condition at clause 9(1)(b) and 9(3)(b) of Part 5 of Schedule 2 to the Broadcasting

Services Act on two occasions by broadcasting sponsorship announcements that ran in total for more than five minutes in the hour during both the Radio Rim Jhim Ka Sangam program broadcast on 20 February 2005 and the Radio Jhankaar program broadcast on 13 March 2005.

ACMA found the licensee did not breach clause 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act, as it did not broadcast an advertisement during the Radio Rim Jhim Ka Sangam program

broadcast on 20 February 2005.

ACMA notes that in response to the breach finding, the licensee has undertaken to incorporate the timing of announcements introducing upcoming programs that acknowledge sponsors within the five-minute limit in future; counselled the presenter of each program, who now understand the requirements of the sponsorship policy; and reaffirmed the sponsorship policy to all broadcasters in a written memorandum.

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

INTERNET COMPLAINTS, July and August 2005

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 (ISPs) are required to provide one or more approved filters for the use of their subscribers.

In addition, 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	128
Invalid complaints ¹	14
Investigations terminated ²	15
Investigations completed ³	97
Items actioned	121

ITEMS ACTIONED CLASSIFICATION AND DESCRIPTION OF INTERNET CONTENT	AUSTRALIAN-HOSTED ITEMS (take-down notice issued)	OVERSEAS-HOSTED ITEMS (referred to makers of filters)	TOTAL
Total X – Actual sexual activity	1	21	22
RC – Crime – promotion/instruction	0	1	1
RC – Violence – depiction	0	1	1
RC – Child – depiction	1	78	79
RC – Bestiality – depiction	2	0	2
RC – Sexual violence – depiction	0	4	4
RC – Sexual fetish – depiction	0	1	1
RC – Sexual fantasy – depiction	0	11	11
TOTALS	4	117	121

1. A complaint is not investigated by ACMA if:

- the complaint does not meet the statutory requirements under clauses 22(3) and 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.