

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.

6AR Perth breached community broadcasting licence conditions

ACMA has found that the Western Australian Aboriginal Media Association (WAAMA), licensee of the community broadcasting service 6AR Perth, has breached the conditions of its community broadcasting licence.

WAAMA was granted a community broadcasting licence in 1992 to represent the Perth Aboriginal community and to promote awareness of Aboriginal issues in the wider community. The 6AR service operates on 100.9 MHz FM, and uses the on-air identifier 100.9 FM.

Community broadcasters are licensed to provide services that meet the specific, identifiable needs of cultural or geographic communities, with the

involvement of those communities.

Several complaints from members of the Perth Aboriginal community alleged that WAAMA was not complying with the conditions of its community broadcasting licence. They alleged that the service lacked local Indigenous content, and that WAAMA had unreasonably refused membership applications.

ACMA began a formal investigation of WAAMA's compliance with the conditions of its community broadcasting licence on 14 April 2005. The investigation found that, during the period August 2003 to April 2005, WAAMA did not represent the interests of the Perth Aboriginal community,

nor did it encourage members of that community to participate in the operation of the service.

The investigation showed that WAAMA's efforts to understand the needs and interests of the Perth Aboriginal community were inadequate, it did not provide programs to adequately meet those needs and there was limited opportunity to shape the format and content of programs.

ACMA considers that WAAMA does have the capacity to provide programs that meet the needs of the Perth Aboriginal community and to better involve the community, and will continue to advise WAAMA on steps it can take to ensure it complies with the Broadcasting Services Act.

Additional conditions will be

imposed on WAAMA's community broadcasting licence that require it to:

- adequately ascertain the needs and interests of the Perth Aboriginal community in respect of community broadcasting
- develop and broadcast talk and music programs that adequately meet those needs and
- establish mechanisms through which members of the Perth Aboriginal community can participate in the operation of 6AR, by becoming members of WAAMA and/or volunteering to assist with the operation of the station.

Internet complaints in April 2006

ACMA's internet complaints hotline enables Australian residents to complain to ACMA about prohibited or potentially prohibited internet content. Complaints can be registered on the ACMA website 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, directing it not to host the content. Failure to comply 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. 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.

Items actioned, April 2006

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	5	5
RC – Child – depiction	0	22	22
RC – Bestiality – depiction	0	0	0
RC – Sexual fetish – depiction	0	2	2
RC – Sexual violence – depiction	0	5	5
RC – Sexual fantasy – depiction	1	3	4
Totals	1	37	38

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 <http://www.oflc.gov.au/resource.html?resource=62&filename=62.pdf>

Internet complaints, April 2006

Complaints received	70
Invalid complaints ¹	11
Investigations terminated ²	4
Investigations completed	46
Items actioned ³	38

1. A complaint is not investigated by ACMA if:
 • the complaint does not meet the statutory requirements under subclause 22(3) and clause 25 of Schedule 5 (eg no internet address provided; complainant not an Australian resident); or
 • the complaint falls within the meaning of subclause 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 (eg the complaint relates to an electronic 'virus').

2. A complaint is terminated under subclause 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.