

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.

Community radio station 2CCR breached licence condition

ACMA has found that Cumberland Community Radio Inc, the licensee of Baulkham Hills community radio service 2CCR, breached the condition of its licence by broadcasting advertisements. The finding relates to announcements about a concert by a popular Indian singer and movie star during the Hindi language program, *Radio Mirchi*, on 9 and 16 February 2006.

According to the *Broadcasting Services Act 1992*, an announcement, other than a community service announcement, which does not include an acknowledgement of financial support, is deemed to be an advertisement. The announcements did not carry a 'tag' acknowledging financial support and they were not community service announcements.

The licensee has taken action in response to the breach finding, including issuing all on-air presenters with a circular advising them of ACMA's finding and the consequences for the station when announcers do not follow the proper procedures. More specifically, the presenter of *Radio Mirchi* has adopted the practice of pre-recording all sponsorship announcements. ACMA considers that these actions are adequate to address the compliance issues raised by the investigation. This is the first breach finding against this licence condition by this licensee.

The investigation report is on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Broadcasting > Investigations > Radio operations).

Internet complaints in July 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, July 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	6	6
R – Sex	1	0	1
R – Nudity	1	0	1
RC – Child – depiction	0	12	12
RC – Sexual fetish – depiction	1	0	1
RC – Sexual fantasy – depiction	0	1	1
Totals	3	19	22

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, July 2006

Complaints received	40
Invalid complaints ¹	4
Investigations terminated ²	3
Investigations completed	26
Items actioned ³	22

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.