

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.

2UE's compliance with commercial radio standards being investigated

ACMA is investigating compliance with the commercial radio standards by Radio 2UE Sydney Pty Ltd, following 2UE's notification of a breach of the Commercial Radio Disclosure Standard. 2UE wrote to ACMA indicating it had breached the standard as a result of the failure of a presenter, John Laws, to disclose a commercial agreement with Telstra during an interview with the Prime Minister on Mr Laws' program on 28 August 2006. ACMA is collecting documents relevant to the investigation and after examining these will consider what steps, if any, need to be taken.

Three program standards for commercial radio licensees were determined on 21 November 2000, following an inquiry (the so-called 'cash for comment' investigation)

that found systemic failure to ensure the effective operation of the commercial radio industry's self-regulatory codes of practice. Unlike codes of practice, compliance with standards is a condition of a broadcaster's licence. The commercial radio standards commenced operation on 15 January 2001 and were extended indefinitely in March 2003. The standards cover the establishment of compliance programs by licensees, the distinguishing of advertisements from other programs and the disclosure of commercial agreements by presenters of current affairs programs.

The disclosure standard applies to all commercial radio broadcasting licensees that broadcast current affairs programs. The key objective of

the disclosure standard is to encourage commercial radio broadcasting licensees to be responsive to the need for a fair and accurate coverage of matters of public interest. The standard requires this through the disclosure of commercial agreements that have the potential to affect the content of current affairs programs.

Licensees must provide to ACMA, within 28 days on the approved form, particulars of each commercial agreement between sponsors and presenters of current affairs programs or their associates. Licensees must also notify any changes to agreements within 14 days of the licensee being informed. The disclosure standard also obliges licensees to require presenters to disclose commercial agreements to

licensees and licensees 'must publish the register on any website operated by or on behalf of the licensee and must link the register directly to the home page of that website.' The registers must record (including on their website registers) where a licensee broadcasts a current affairs program produced or commissioned by a second licensee, the address where the second licensee's register of current commercial agreements is available for inspection.

The register of presenters' commercial agreements is on the ACMA website at www.acma.gov.au (go to Radio & TV > Content regulation > Radio > Content requirements > Commercial agreements).

Internet complaints October–November 2006

ACMA's internet complaints hotline, established under Schedule 5 to the *Broadcasting Services Act 1992*, 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 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 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

Classification and description of internet content ⁴	Australian-hosted items (take-down notice issued)		Overseas-hosted items (referred to makers of filters)		Total	
	Oct	Nov	Oct	Nov	Oct	Nov
X 18+ – Actual sexual activity	0	0	4	1	4	1
RC – Child – depiction	0	0	24	29	24	29
RC – Sexual fantasy – depiction	0	0	2	0	2	0
RC – Sexual violence – depiction	0	0	0	2	0	2
RC – Sexual fetish – depiction	0	0	0	1	0	1
Totals	0	0	30	33	30	33

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

	Oct	Nov
Complaints received	51	67
Invalid complaints ¹	11	8
Investigations terminated ²	4	9
Investigations completed	32	48
Items actioned ³	30	33

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.