

# COMPLAINT HANDLING BY COMMERCIAL RADIO STATIONS, JULY TO SEPTEMBER 2005

The Commercial Radio Codes of Practice require each commercial radio broadcaster to provide Commercial Radio Australia with an extract of the record of complaints received. Commercial Radio Australia provides a consolidated report to ACMA.

Member stations recorded 44 written complaints alleging breaches of the Commercial Radio Codes of Practice during the third quarter of 2005.

	TALKBACK & DISCUSSION	NEWS & CURRENT AFFAIRS	MUSIC PROGRAMS	ADVERTISING	MISCELLANEOUS	TOTAL
Offensive matters in	6	1	5	7	4	23
Prohibited matter in	2	1	0	1	0	4
Other complaints	3	0	2	0	12	17
<b>Total</b>	<b>11</b>	<b>2</b>	<b>7</b>	<b>8</b>	<b>16</b>	<b>44</b>

Source: CRA Commercial Radio Codes of Practice: Complaints summary July to September 2005

# INTERNET COMPLAINTS IN NOVEMBER AND DECEMBER 2005

## INTERNET HOTLINE

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](http://www.acma.gov.au/hotline).

## ASSESSING INTERNET CONTENT

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+.

### Australian-hosted items

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.

### Overseas-hosted items

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.

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.

## COMPLAINTS

Complaints received	131
Invalid complaints <sup>1</sup>	10
Investigations terminated <sup>2</sup>	22
Investigations completed	54
Items actioned <sup>3</sup>	130

## ITEMS ACTIONED. NOVEMBER-DECEMBER 2005

CLASSIFICATION AND DESCRIPTION OF INTERNET CONTENT <sup>4</sup>	AUSTRALIAN-HOSTED ITEMS (TAKE-DOWN NOTICE ISSUED)	OVERSEAS-HOSTED ITEMS (REFERRED TO MAKERS OF FILTERS)	TOTAL
X - Actual sexual activity	0	18	18
RC - Paedophilia - promotion/instruction	0	1	1
RC - Child - depiction	0	96	96
RC - Bestiality - depiction	0	1	1
RC - Sexual violence - depiction	0	2	2
RC - Sexual fetish - depiction	0	1	1
RC - Sexual fantasy - depiction	0	11	11
<b>TOTALS</b>	<b>0</b>	<b>130</b>	<b>130</b>

1 A complaint is not investigated by ACMA if:

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

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 [www.oflc.gov.au/resource.html?resource=62&filename=62.pdf](http://www.oflc.gov.au/resource.html?resource=62&filename=62.pdf).