

BREACHES BY BROADCASTERS



Blacktown community radio service broadcast ads

ACMA has found that Blacktown City Community Radio 2SWR-FM Association Ltd, the licensee of community radio service 2SWR Blacktown, breached the Broadcasting Services Act by broadcasting an advertisement during the *Talaash* program.

The investigation followed a complaint received on 22 November 2005.

Talaash is a two-hour Hindi program which broadcasts in both Hindi and English. The program on 22 November 2005 included several announcements for a concert featuring a well-known Indian actor and performer. There was also a live interview with the performer in the second hour of the program.

ACMA has determined that the licensee of 2SWR breached clause 9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act in that it broadcast an advertisement on 22 November 2005.

To address the compliance issues raised by this breach finding, the licensee has taken action, including discussing ACMA's findings with the presenter of *Talaash* and using the report to further develop clear guidelines about material that may be considered advertising.

ACMA considers that these actions are adequate to address the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard.

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.

Swan Hill community radio service broadcast ads during the Morning Show

ACMA has found that Swan Hill and District Community FM Inc., the licensee of community radio service 3SFM Swan Hill in north-west Victoria, breached the Broadcasting Services Act by broadcasting advertisements.

On 14 November 2005, ACMA received a complaint alleging that during the *Morning Show* program broadcast on 3SFM on 14 October 2005 the licensee broadcast interviews, promoting businesses and products, that may have constituted advertisements and that the sponsorship announcements exceeded the permissible five minutes per hour of broadcasting.

ACMA determined that the licensee of 3SFM Swan Hill breached clause 9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act by broadcasting advertisements. ACMA also found that the licensee did not breach clause 9(3)(b) of Part 5, Schedule 2 to the Act in that it did not broadcast more than the permissible five minutes of sponsorship announcements per hour.

To address the compliance issues raised by this finding, the licensee will take the following actions:

- restrict outside broadcasts by the station to community events

- have all outside broadcasts approved by the licensee's management committee
- give additional training to all announcers involved in outside broadcasts that will specifically reinforce the licensee's obligations under the legislation, and
- hold a briefing before every outside broadcast to ensure awareness of the procedures to be followed.

ACMA considers that these actions adequately address the compliance issues raised by the investigation and will continue to monitor the licensee's performance in this regard.

CORRECTION

On page 18 of the February 2006 edition of *ACMASphere*, in the table 'No breach findings', the code considered against a potential breach by TCN9 Sydney for the program *Getaway* should have been 'Classification guidelines; restriction in G period'.