

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au (go to About ACMA: Publications & research > Broadcasting publications > Investigations, then Radio operations or Television operations). The reports are arranged in order of licensee.

SBS TV's *Inspector Rex* incorrectly classified

ACMA has found that the Special Broadcasting Service Corporation (SBS) breached Code 4 of the *SBS Codes of Practice 2006* by broadcasting an incorrectly classified episode of the program *Inspector Rex* on 16 November 2006.

In response to a complaint received on 31 December 2006, ACMA found

that material in certain scenes was not sufficiently mild and discreet to be classified PG. The guidelines for PG-classified programs require that sexual activity be mild in impact, discreetly implied and justified by context. ACMA also found that SBS had complied with Code 8 in dealing with the complaint.

SBS acknowledged it had incorrectly classified the program and advised ACMA that it had apologised to the complainant for the breach. The broadcaster further advised that it did not intend to broadcast the episode in question again, and that it had discussed the reasons behind the finding of the breach with staff

directly involved in the program's classification.

ACMA does not propose to take any further action about the matter at this time. The codes of practice are on the SBS website at www.sbs.com.au.

2QBN Queanbeyan did not encourage community participation

ACMA has found that Queanbeyan Community Radio Inc, the licensee of community radio service 2QBN Queanbeyan, breached the condition of its licence that requires it to encourage members of the community it serves to participate in the

operations and programming of the service. 2QBN also breached the *Community Broadcasting Codes of Practice 2002* by not having volunteer guidelines or a written conflict resolution policy in place.

ACMA investigated complaints that

2QBN had rejected membership applications, denied access and equity to community members, discriminated against members of the community it serves, engaged in inadequate management practices, and did not have guidelines regarding the

principles of volunteering or a written internal conflict resolution policy and procedure in place.

ACMA will write to Queanbeyan Community Radio Inc about proposed compliance actions. Details will be announced when finalised.

Internet complaints April 2007

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, April 2007

Classification and description of internet content ¹	Australian-hosted items (take-down notice issued)	Overseas-hosted items (referred to makers of filters)	Total
X 18+ – Actual sexual activity	0	11	11
RC – Child – depiction	0	21	21
RC – Bestiality – depiction	0	1	1
RC – Sexual fantasy	0	4	4
RC – Drug use – promotion/instruction	0	1	1
Totals	0	38	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 www.oflc.gov.au/resource.html?resource=62&filename=62.pdf.

Internet complaints, April 2007

Complaints received	63
Invalid complaints ¹	8
Investigations terminated ²	4
Investigations completed	40
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.