

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.

HSV 7 Melbourne's *Disorderly Conduct Caught on Tape* exceeded PG classification

ACMA has found that Channel Seven Melbourne Pty Ltd, the licensee of commercial television service HSV Melbourne, breached the Commercial Television Industry Code of Practice by broadcasting a program, *Disorderly Conduct Caught on Tape*, which failed to comply with the PG requirements for 'violence'.

On 25 January 2007, ACMA received a complaint about *Disorderly Conduct Caught on Tape*, a program

consisting of a compilation of real footage, which was broadcast by HSV Melbourne on 20 December 2006.

The complainant alleged that a scene shown four times in the program in which a person is run over by a car was not mild in impact and therefore exceeded the PG classification.

The code states that, among other things, depictions of violence in PG classified programs must not be explicit and must be restrained.

ACMA found that HSV Melbourne breached clause 2.4 and paragraph 3.1 of Appendix 4 of the code by failing to comply with the PG requirements for violence. In ACMA's view, the visual depiction of violence in the program was explicit and unrestrained in nature.

In response to the finding, Channel Seven Melbourne Pty Ltd has undertaken to circulate ACMA's final investigation report and an

explanation of the decision to all classification and programming staff and senior management. It also undertook to incorporate issues raised by the investigation in future training at the network.

ACMA is satisfied that Channel Seven Melbourne Pty Ltd has addressed the compliance issues raised by the breach finding.

2YYY Young breached community radio licence conditions

ACMA has found that Lambing Flat Community Broadcasting Inc, the licensee of community radio station 2YYY Young, breached its licence conditions by failing to encourage members of the community it serves to participate in the operations and programming of the service.

Lambing Flat Community Broadcasting Inc holds a temporary community broadcasting licence to provide a radio service for the general community of Young.

ACMA also found that 2YYY exceeded the time limit for sponsorship announcements by

broadcasting more than the five minutes per hour in two hours reviewed. The periods reviewed were 7.00 am–8.00 am and 8.00 am–9.00 am on 14 January 2007.

ACMA received a complaint that 2YYY was being run 'by one person and one person only' and that it was

exceeding the allowable limit on advertising material in its broadcasts. ACMA is considering action to ensure 2YYY's future compliance with the relevant licence conditions.

Internet complaints May 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, May 2007

Classification and description of internet content ⁴	Australian-hosted items (take-down notice issued)	Overseas-hosted items (referred to makers of filters)	Total
X 18+ – Actual sexual activity	0	10	10
RC – Paedophilia – promotion/instruction	0	3	3
RC – Child – depiction	1	30	31
RC – Bestiality – depiction	0	1	1
Totals	1	44	45

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, May 2007

Complaints received	33
Invalid complaints ¹	5
Investigations terminated ²	4
Investigations completed	36
Items actioned ³	45

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.