

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.

Nine's QTQ Brisbane did not comply with complaints-handling provisions

ACMA has found Nine Network licensee of QTQ Brisbane, Queensland Television Ltd, breached the *Commercial Television Industry Code of Practice 2004* by failing to provide a substantive response to a written complaint within 30 days of receiving it.

Since 1 July 2005, there have been 11 breaches of the complaints-handling provisions of the code by Nine Network licensees. Four of these, including the latest breach by QTQ Brisbane, were breaches of clause 7.10 of the code.

The complainant lodged her complaint with the licensee on 10 October 2006 and received a substantive written response on 5 December 2006, more than 30 working days after making her complaint.

Clause 7.9 of the code requires that, where a code complaint is made about material broadcast by a station within 30 days of its broadcast, the licensee must provide a substantive written response. Clause 7.10 requires a response to be made as soon as practicable, but in any case no longer

than 30 working days after receipt of the complaint. Clause 7.12 requires the licensee's response to advise the complainant that he or she may refer the matter to ACMA if not satisfied with the response.

In March 2007, in response to recent breaches of the complaints-handling provisions of the code, the Nine Network implemented new procedures to meet its complaints-handling obligations. These include a new system of designated Code Complaint Officers, the specific attribution of responsibility for

compliance by Code Complaint Officers, Executive Producers and Station Managers, and an updated complaints-handling manual for stations across the network.

In light of these new procedures, no further action will be taken in this instance. However, it is expected that this breach would be reflected in the Nine Network's first report to ACMA on its implementation of new complaints-handling procedures. The first report will be for the period ending 30 June 2007.

Groove FM did not to comply with additional licence conditions

ACMA has found that Groove FM, a Perth youth community radio station, breached three of the additional conditions imposed on its licence in May 2006. The breaches arose from material broadcast from 16 to 19 September 2006.

The licensee of Groove FM, Youth Media Society of Western Australia Inc., has breached the conditions of its licence by:

- not broadcasting an average of four Australian music items per hour in each eight-hour period commencing 6.00 am, 2.00 pm and 10.00 pm

- not broadcasting announcements inviting listeners to become members of the station at least once an hour between 7.00 am and midnight and
- not broadcasting announcements inviting listeners to participate in talk programming at the station at least once every two hours between 7.00 am and midnight.

The additional licence conditions were imposed on the licensee following an investigation that found the licensee had:

- breached clause 9(2)(b) of Schedule 2 to the *Broadcasting*

Services Act 1992 in that it did not continue to represent the community interest that it represented at the time the licence was allocated and

- breached clause 9(2)(c) of Schedule 2 to the *Broadcasting Services Act* in that it did not encourage members of the community that it served to participate in the operations of the licensee in providing the service and the selection and provision of programs under the licence.

The intention of the additional licence conditions was to '... ensure

that Perth youth are actively invited to participate in the service, that it provides a diverse range of music and talk programming, and continues to play a high level of local and Australian music.'

ACMA is now considering heightened compliance measures to ensure that potential breaches of these additional licence conditions do not occur in future and has written to the licensee outlining the proposed compliance action, details of which will be announced when finalised.

Melbourne community television station broadcast advertisements

ACMA has found that the licensee of Melbourne community television station MGV31, Melbourne Community Television Consortium Limited, breached a condition of its community broadcasting licence by broadcasting advertisements during an edition of the Geelong Cricket Show.

Clause 9(1)(b) of Schedule 2 to the *Broadcasting Services Act 1992* states: 'the licensee will not broadcast advertisements, and the licensee will not broadcast sponsorship announcements otherwise than as mentioned in this clause'.

ACMA investigated a complaint that, during the Geelong Cricket Show on 18 October 2006, the licensee

broadcast matter of an advertising character without appropriate 'tags' to identify them as sponsorship announcements.

In response to ACMA's finding, the licensee has given an undertaking that it will remove any material that does not comply with the relevant licence condition from all programs by 1 October 2007.

This is the first breach by the licensee. ACMA considers that the licensee has offered to take appropriate action to remedy the breach and now has a sufficient understanding of the relevant licence condition requirement to be able to ensure further breaches do not occur.