

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 *A Current Affair* breached code with chicken meat story

ACMA has found that TCN Channel Nine Pty Ltd, the licensee of TCN, has breached the *Commercial Television Industry Code of Practice 2004* in a broadcast of *A Current Affair* on 17 July 2006 about the condition of chicken meat. The breaches relate to accuracy of factual material and fair representation of the viewpoint of the Australian Chicken Meat Federation in the broadcast.

ACMA found that, in its program *A Current Affair* on 17 July 2006, the licensee of TCN:

- breached clause 4.3.1 of the code by not representing fairly the viewpoint of the spokesperson for the Australian Chicken Meat Federation on the cause of discolouration in chicken meat and

by not presenting accurately factual material about the presence of bacteria in the meat, and

- did not breach clause 4.3.1 of the code in that it represented fairly the viewpoint of the Australian Chicken Meat Federation on the safety of chicken meat in general and factual material about chicken meat and other chicken products sent for analysis was presented accurately.

The findings are of particular concern because this is the second complaint in the past 12 months about broadcasts on *A Current Affair* about the condition of chicken meat that have resulted in breaches of clause 4.3.1 of the code.

Following discussions with ACMA's

Chairman, the licensee has directly addressed the issues raised by the investigation. In particular, the licensee has sent a letter of apology to the Australian Chicken Meat Federation and taken disciplinary action that ACMA considers appropriate in the circumstances. The licensee has also committed to raise awareness of senior staff of *A Current Affair* about ACMA's concerns, including counselling and training staff about Nine's obligations under clause 4.3.1 of the code. In light of the response, ACMA does not intend taking any further action in this instance, but will continue to monitor the licensee's compliance with clause 4.3.1 of the code.

Internet complaints June 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, June 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	20	20
RC – Child – depiction	0	30	30
RC – Sexual violence – depiction	0	1	1
RC – Sexual fetish – depiction	0	3	3
RC – Sexual fantasy – depiction	0	5	5
Totals	0	59	59

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, June 2007

Complaints received	57
Invalid complaints ¹	7
Investigations terminated ²	4
Investigations completed	46
Items actioned ³	59

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.