

The full reports on these investigations into potential breaches by licensees are on the ACMA website, [www.acma.gov.au](http://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.

## A Current Affair breached code

ACMA has found that General Television Corporation Pty Ltd, the licensee of GTV Melbourne, breached the accuracy and fairness provisions of the *Commercial Television Industry Code of Practice 2004* in a broadcast of the program *A Current Affair*. ACMA also found a breach of the complaints-handling provisions of the code by GTV.

A broadcast of *A Current Affair* on 21 December 2006 featured a man's attempts to seek financial redress after discovering that two of the three children of his failed marriage had been fathered by another man. The accuracy and fairness breaches relate to:

- failure to present factual material accurately in relation to a statement provided to the program by the Child Support Agency and
- unfair representation of the man's viewpoint.

The Nine Network has undertaken to counsel senior staff of *A Current Affair* about Nine's obligations under clause 4.3.1 of the code, with emphasis on the importance of reporting statements received from third parties accurately in news and current affairs broadcasts and maintaining accuracy when summarising factual material.

This is one of several recent investigations into broadcasts of *A Current Affair* where complainants have made allegations regarding Nine's compliance with clause 4.3.1 of the code. Several of those investigations are still outstanding and ACMA will make no further comment at this time about its satisfaction with the Nine Network's compliance with clause 4.3.1.

GTV also breached clause 710 because it did not respond to a complaint within 30 working days after receiving it.

### COMPLAINTS-HANDLING BREACH BY NINE

ACMA also found that Nine breached the complaints-handling provisions of the Commercial Television Industry Code of Practice in dealing with a complaint about another of its shows.

A complaint was received by ACMA in January 2007 about three episodes of the game show, *Bert's Family Feud*, broadcast by GTV in June 2006. The complainant alleged that the programs contained inappropriate sexual references that exceeded the G classification.

ACMA's investigation found that the broadcasts did not breach the code. In ACMA's view, the sexual references they contained were brief, very mild in impact and did not exceed the guidelines for G programming. However, ACMA found that GTV breached the complaint-handling provisions of the code (clauses 710 and 712) by not

responding to the complaint within 30 working days of receiving it and failing to advise the complainant that, if not satisfied with the response, he or she may refer the matter to ACMA.

### NINE'S NEW COMPLAINTS-HANDLING PROCEDURES

In response to earlier breach findings about complaints-handling, in March 2007 the Nine Network implemented new procedures including designated code compliance officers; the specific attribution of responsibility for compliance to code complaint officers, executive producers and station managers; and an updated complaints-handling manual for stations across the Nine Network, including GTV Melbourne.

ACMA is due to receive Nine's first report on its new procedures for the period ending 30 June 2007 and will carefully consider their effectiveness.

## Internet complaints August 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](http://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, August 2007

Classification and description of internet content <sup>4</sup>	Australian-hosted items (take-down notice issued)	Overseas-hosted items (referred to makers of filters)	Total
X 18+ – Actual sexual activity	0	18	18
RC – Paedophilia – promotion/instruction	0	3	3
RC – Child – depiction	0	26	26
RC – Sexual fetish – depiction	0	6	6
Totals	0	53	53

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](http://www.oflc.gov.au/resource.html?resource=62&filename=62.pdf).

### Internet complaints, August 2007

Complaints received	44
Invalid complaints <sup>1</sup>	2
Investigations terminated <sup>2</sup>	8
Investigations completed	49
Items actioned <sup>3</sup>	53

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 about items of internet content found to be prohibited or potentially prohibited.