

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

Tasmanian TV licensee breached privacy provisions

ACMA has found the licensee of TNT Tasmania, Southern Cross Television (TNT9) Pty Ltd, breached the *Commercial Television Industry Code of Practice 2004* by broadcasting material that invaded the privacy of a mother and her 12 year old child.

ACMA received a complaint about a broadcast of *Today Tonight* on 16 August 2006 regarding paternity testing and child support payments. The complaint was about a segment of the program featuring the Child Support Agency and paternity testing of the complainant's child. The report featured comments from a man who had recently discovered that the child was not his biological son and that he had

been paying child support for a child who was not his.

ACMA found the licensee breached clauses 4.3.5 and 4.3.5.1 of the code by broadcasting material relating to the personal and private affairs of the complainant when there was no identifiable public interest reason for the material to be broadcast. In addition, the licensee failed to exercise special care before using material about a child's

personal and private affairs.

In response to the breach findings, the licensee has undertaken to extensively discuss the issues raised by this investigation with relevant staff, including all news and current affairs production staff and senior management, with reference to ACMA's report and an updated version of Seven's privacy guidelines. The licensee will also include the investigation in future training

sessions for its staff about adherence to the code.

ACMA considered that the actions taken by the licensee in response to the breach finding were commensurate. This is the licensee's first breach of these clauses of the code since 1 January 2005. In light of this, ACMA will closely monitor the licensee's ongoing performance against these provisions of the code.

Internet complaints September 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, September 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	21	21
RC - Child - depiction	0	13	13
RC - Sexual violence - depiction	0	1	1
RC - Sexual fetish - depiction	0	6	6
Totals	0	39	39

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, September 2007

Complaints received	93
Invalid complaints ¹	5
Investigations terminated ²	9
Investigations completed	63
Items actioned ³	39

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.