

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. The reports are arranged in order of licensee.

Sydney multicultural radio station 2000 FM broadcast advertisements

ACMA found the Multicultural Community Radio Association Ltd, the licensee of Sydney community radio service 2000 FM, broadcast advertisements during the *Bosnian Program*. The program is broadcast on Saturday afternoons, and is one of approximately 45 different language programs broadcast each week by the licensee.

Clause 9 of Schedule 2 to the *Broadcasting Services Act 1992* sets out the conditions applicable to services provided under community broadcasting licences. Clause 9(1)(b) states: 'the licensee will not broadcast advertisements, and the licensee will not broadcast sponsorship announcements otherwise than that as mentioned in this clause.'

The investigation followed a complaint received by ACMA that during a broadcast of the *Bosnian Program* on 27 May 2006 the licensee broadcast announcements without appropriate 'tags' to identify them as sponsorship announcements.

In response to the breach finding, the licensee has revised its sponsorship guidelines to include a one-month suspension and training

sessions for providers of programs that result in a breach of the licence condition and termination of programs that resulted in further breaches. ACMA considers these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's performance.

The investigation report is on the ACMA website at www.acma.gov.au.

2HHH Hornsby did not have anti-prejudice policies and stereotyped Aboriginals on *Gav's Morning Show*

ACMA has found that 2HHH FM Ltd, the licensee of community radio service 2HHH Hornsby, did not have adequate policies in place to oppose and attempt to break down prejudice as required under clause 1.4 of the *Community Broadcasting Codes of Practice 2002*.

ACMA also found that segments of *Gav's Morning Show*, broadcast on 20 May 2005, served to stereotype a caller and persons associated with a reconciliation initiative on the basis of their Aboriginality. This broadcast was found to be in breach of clause 2.3 of the same code.

2HHH has resolved to take action in light of these findings, including reviewing its policies, reissuing policy and training material as required, providing appropriate training to all presenters and advising all presenters of the importance of complying with its policy. ACMA considers these

actions address the compliance issue raised by the investigation. ACMA will continue to monitor the licensee's performance in this regard.

The investigation report is on the ACMA website at www.acma.gov.au.

3AW broadcast tobacco advertising on *The Overnights*

ACMA found that 3AW Southern Cross Radio Pty, Ltd, the licensee of Melbourne commercial radio station 3AW, broadcast tobacco advertisements in the program *The Overnights* on 28 April 2006.

The advertisements were contained in an archival radio play, first broadcast in 1949. The advertisements were for Camel cigarettes, the sponsor of the original broadcast. The licensee is obliged not to broadcast advertisements in contravention of the *Tobacco Advertising Prohibition Act 1992*.

ACMA considered that the advertisements were not broadcast accidentally, as the licensee had sufficient opportunity to edit the advertisements out of the play recording before it was broadcast. ACMA also considered that the advertisements were not incidental to the broadcast of other matter, as they were a distinct part of the broadcast rather than a background accompaniment to the radio play.

The licensee has stated that it will take steps to ensure that all future archival broadcasts are considered

and reviewed prior to broadcasting, so that any potentially unlawful material is identified and removed from any further proposed broadcasts.

ACMA considers that this action is an appropriate response to the compliance issues raised by its investigation and will continue to monitor the licensee's performance. This is the first time that the licensee has been found to have broadcast tobacco advertisements in a manner which could constitute an offence. For this reason, and because the

licensee has decided to take the action referred to above, ACMA has decided against giving a copy of the report to the Director of Public Prosecutions, which it has discretion to do in cases where the report relates to conduct that could constitute an offence under the Broadcasting Services Act or another law of the Commonwealth.

The investigation report is on the ACMA website at www.acma.gov.au.