

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.

Channel 31 Adelaide breached code

ACMA has found that Channel 31 Adelaide Limited (C31 Adelaide) breached the complaints handling provisions of the *ASTRA Codes of Practice – Open Narrowcast Television (July 2003)*. As an aspirant community broadcaster, C31 Adelaide is covered by this code rather than the *Community Broadcasting Association of Australia Code of Practice* that covers the holders of permanent community broadcasting licenses.

ACMA investigated a complaint received in May 2007 and found that C31 Adelaide breached clause 2.4 of the code because it

failed to respond to the complainant's written complaint in writing within 60 days.

Although C31 Adelaide had offered to meet the complainant to discuss the issues raised in the complaint, the code requires a written response in all cases. Likewise, the fact that the complainant had already referred the matter to ACMA does not absolve C31 Adelaide of its complaint handling responsibilities. C31 Adelaide has undertaken to respond to any further complaint in writing in accordance with the code.

Internet complaints October 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, October 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	54	54
RC – Child – depiction	0	32	32
RC – Bestiality – depiction	0	3	3
RC – Sexual violence – depiction	0	3	3
RC – Sexual fetish – depiction	0	6	6
RC – Sexual fantasy	0	3	3
Totals	0	101	101

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, October 2007

Complaints received	110
Invalid complaints ¹	10
Investigations terminated ²	15
Investigations completed	97
Items actioned ³	101

- 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').
- A complaint is terminated under subclause 26(4) of Schedule 5 if ACMA has insufficient information to conclude the investigation.
- 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.