

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.

2GB broadcast material likely to vilify on *The Open-Line Show*

ACMA found that the licensee of 2GB Sydney, Harbour Radio Pty Ltd, breached the Commercial Radio Code of Practice by broadcasting material that was likely to vilify people of Lebanese background on the basis of ethnicity.

The breach arose from material included in *The Open-Line Show* on 15 December 2005, hosted by 2GB presenter, Brian Wilshire. While ACMA found the material was presented for a purpose in the public interest, being discussion of factors contributing to unrest in southern Sydney, ACMA was not persuaded

that the comments were presented reasonably and in good faith for this purpose.

ACMA found 2GB breached clause 1.3(e) of the code. Under this clause, a licensee must not broadcast a program which is likely to incite or perpetuate hatred against or vilify any person or group on the basis of a number of attributes, including ethnicity.

The licensee advised ACMA that it took immediate action after the broadcast. An apology was aired on the day following the broadcast on the Channel 10 news and on 2GB.

The licensee also advised that during compliance training that followed the broadcast, all presenters and production staff were briefed 'about the importance of ensuring that in discussing current affairs, criticisms of particular types of conduct is reasonable, but criticisms that are based on persons having any of the attributes listed in code 1.3(e) are not.'

ACMA considers that the licensee's prompt and prominent public apology and its re-emphasis on compliance training in this case is a reasonable response to the

circumstances identified in the investigation. ACMA will monitor the licensee's ongoing performance against this provision of the code.

The investigation report provides detailed reasons for ACMA's decision, which may guide industry about the application of clauses 1.3(e) and 1.4 of the code. The report is on the ACMA website at www.acma.gov.au.

2HHH Hornsby to develop internal conflict resolution procedures

Following an investigation into a complaint about community radio 2HHH in Hornsby, Sydney, ACMA has asked the licensee, 2HHH FM Ltd, to provide a revised policy and procedure for internal conflict resolution.

The internal conflict resolution policy and procedure must meet the purpose and intent of clause 6.2 of the *Community Broadcasting Codes*

of Practice 2002 and must be provided to ACMA by 2 April 2007.

ACMA found that 2HHH had breached the code by not having in place a written policy and procedure that outlined mechanisms to facilitate internal conflict resolution. ACMA also found that 2HHH had breached the code by not responding to a complainant's letter within 60 days of receipt.

This is the first complaint about 2HHH's internal conflict resolution and its handling of complaints. ACMA will take no further action at this stage, but will continue to monitor 2HHH's performance in complaints handling.

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

