

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

ABC TV did not present factual material accurately on *Foreign Correspondent*

ACMA found that the Australian Broadcasting Corporation breached the ABC Code of Practice 2004 in a *Foreign Correspondent* segment broadcast on 11 July 2006.

ACMA's investigation found that the ABC did not make every reasonable effort to ensure the accuracy of factual content in statements by reporter Emma Griffiths about poverty levels in Estonia. ACMA also found that the ABC did not correct the error in a timely manner. The correction on the

Foreign Correspondent website was not posted until the week ending 12 January 2007.

Clause 4.1 of the ABC Code of Practice requires that every reasonable effort must be made to ensure that the factual content of news, current affairs and information programs is accurate. It also requires that demonstrable errors are corrected in a timely manner and in a form most suited to the circumstances.

The ABC agreed with ACMA, but

stated that the delay was due to a communication failure in its News and Current Affairs division. It has also provided written apologies to viewers who complained about the program's accuracy.

ACMA does not propose any further action at this time, but will monitor ABC TV's performance and would have concerns if there were any subsequent breaches of this code provision.

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

Internet complaints January 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, January 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	2	2
RC – Child – depiction	0	43	43
RC – Bestiality – depiction	0	1	1
Totals	0	46	46

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 <http://www.oflc.gov.au/resource.html?resource=62&filename=62.pdf>

Internet complaints, January 2007

Complaints received	71
Invalid complaints ¹	8
Investigations terminated ²	5
Investigations completed	40
Items actioned ³	46

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 in relation to items of internet content found to be prohibited or potentially prohibited.