

Radio station 6NR breached licence conditions

ACMA has found that the licensee of Perth community radio service 6NR, Curtin University of Technology, breached the *Broadcasting Services Act 1992* (the BSA) by broadcasting advertisements, as well as by broadcasting sponsorship announcements that exceeded five minutes per hour.

ACMA found that the licensee failed to include appropriate acknowledgements of financial support ('tags') for live cross-over chats with sponsors. Under the BSA, sponsorship announcements on community radio that do not carry tags are considered advertisements.

Where they are appropriately tagged, the BSA allocates a time limit of five minutes per hour for the broadcast of sponsorship announcements. On two occasions, the

broadcast of announcements by the licensee exceeded this time limit.

In response to the breach findings, the licensee has stopped broadcasting chats with sponsors live to air and now pre-records all such interviews. This allows the licensee to allocate an accurate time limit to sponsorship announcements so that they coincide with station logs.

It also ensures that the appropriate tag is

placed at the end of each announcement.

ACMA considers the actions taken by the licensee to be satisfactory.

A copy of the investigation report is available on the ACMA website at <www.acma.gov.au> (go to About ACMA: Publications & research > Broadcasting publications > Investigations > Radio operations investigations > Radio operations – WA community radio investigations).

QTQ Brisbane incorrectly classified *Holy Smoke* for broadcast in M classification time zone

ACMA has found that Queensland Television Ltd, the licensee of Brisbane commercial television service QTQ 9, breached the *Commercial Television Industry Code of Practice 2004* (the code) by failing to modify the film *Holy Smoke* to ensure its suitability to be broadcast in an M time zone.

The finding results from a complaint that the film, classified M, contained sexual material that exceeded the M classification.

The guidelines for M-classified films, specified in the code, state that the impact of such films must be no higher than moderate. They require that sexual activity be discreetly implied, if justified by context.

ACMA found that intimate sexual activity depicted in the film was not discreetly implied.

The licensee acknowledged that the film included a scene that did not meet the M guidelines. This was due to an error in editing and compiling the program for broadcast.

ACMA views the obligation to edit material to ensure its suitability for broadcast in a particular time zone as a fundamental requirement of the code. With sophisticated

technological equipment available for program editing and compilation, commercial television networks and licensees can be reasonably expected to have in place effective procedures aimed at ensuring that all material is broadcast in accordance with the code.

QTQ advised ACMA that the Nine Network has implemented procedures to ensure that such an error cannot be repeated. These include:

- further restricting access to master tapes so that once a program is edited for broadcast a master tape may only be released again with the written authority of the Manager of Programming
- appropriately relabelling tapes to take into account the above change in practice
- broadening the sign-off procedure to include a requirement that all relevant documents be

approved by editors once work is undertaken

- training all staff involved in editing program matter to follow the new procedures.

The Commercial Television Industry Code of Practice requires that all films are classified according to the guidelines in Appendix 5 to the code and broadcast in the appropriate time zone.

Clause 2.3.1 of the code states that films may be modified in accordance with classification guidelines to ensure that they are suitable for broadcast or for broadcast at particular times.

A copy of the investigation report is available on the ACMA website at <www.acma.gov.au> (go to About ACMA: Publications & research > Broadcasting publications > Investigations > Television operations investigations > Television operations – QLD commercial tv investigations).