

Online content complaints, May 2009

Established under Schedule 7 to the *Broadcasting Services Act 1992*, the ACMA's online complaints hotline enables Australian residents to complain to the ACMA about prohibited or potentially prohibited online content, including internet and mobile phone content. Complaints can be registered at www.acma.gov.au/hotline.

Online content is assessed in accordance with the National Classification Scheme. The prohibited categories for content are RC (Refused Classification), X 18+ and certain content classified R 18+ or MA 15+ that is not subject to a restricted access system preventing access by minors. The ACMA will notify the relevant police service and/or the relevant accredited hotline overseas where content of a 'sufficiently serious' nature (such as child abuse material) is found.

For prohibited content hosted in or provided from Australia, the ACMA issues a take-down notice, service-cessation notice or link-deletion notice to the relevant content service provider, directing the provider not to host or provide access to the content. Failure to comply with such a notice may result in a penalty of up to \$11,000 per day. For overseas-hosted prohibited or potentially prohibited internet content, the ACMA notifies the content to the suppliers of approved filter software in accordance with procedures outlined in the internet industry codes of practice. Under the codes, internet service providers are required to provide approved filters to their subscribers.

Online complaints, May 2009

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| Complaints received | 72 |
| Invalid complaints ¹ | 0 |
| Investigations terminated ² | 0 |
| Investigations completed | 51 |
| Content items actioned ³ | 75 |

- A complaint is not investigated by the ACMA if:
 - > the complaint does not meet the statutory requirements under clauses 25 of Schedule 5 or subclauses 37(4) and 37(7) and clauses 39 and 41 of Schedule 7 (e.g., no internet address provided; complainant not an Australian resident)
 - > the complaint falls within the meaning of subclause 26(2) of Schedule 5 or 43(3) of Schedule 7 (frivolous, vexatious, not made in good faith, or made for the purpose of frustrating or undermining the effective administration of the scheme)
 - > the complaint concerns matters not within the scope of Schedule 5 or Schedule 7 (e.g., the complaint relates to an electronic 'virus').
- A complaint is terminated under subclause 26(4) of Schedule 5 or 43(6) of Schedule 7 if the ACMA has insufficient information to conclude the investigation.
- The ACMA assesses each piece of online content, such as a single web page or newsgroup posting, separately (these are referred to as 'items' of online content). Action is taken on items of online content found to be prohibited or potentially prohibited.

Items actioned, May 2009

| Classification and description of online content ⁴ | Online content hosted in or provided from Australia (take-down, service-cessation or link-deletion notice issued) | Internet content items hosted overseas (referred to makers of filters) | Total |
|---|---|--|-----------|
| MA 15+ – Violence | 0 | 0 | 0 |
| MA 15+ – Sex | 0 | 0 | 0 |
| MA 15+ – Themes | 0 | 0 | 0 |
| MA 15+ – Drug use | 0 | 0 | 0 |
| MA 15+ – Nudity | 0 | 0 | 0 |
| MA 15+ – Language | 0 | 0 | 0 |
| R 18+ – Violence | 0 | 0 | 0 |
| R 18+ – Sex | 0 | 1 | 1 |
| R 18+ – Themes | 0 | 2 | 2 |
| R 18+ – Drug use | 0 | 0 | 0 |
| R 18+ – Nudity | 0 | 1 | 1 |
| R 18+ – Language | 0 | 0 | 0 |
| X 18+ – Actual sexual activity | 0 | 10 | 10 |
| RC – Crime – promotion/instruction | 0 | 0 | 0 |
| RC – Violence – depiction | 0 | 0 | 0 |
| RC – Paedophilia – promotion/instruction | 0 | 0 | 0 |
| RC – Child – depiction | 0 | 51 | 51 |
| RC – Bestiality – depiction | 0 | 1 | 1 |
| RC – Sexual violence – depiction | 0 | 0 | 0 |
| RC – Sexual fetish – depiction | 0 | 9 | 9 |
| RC – Sexual fantasy – depiction | 0 | 0 | 0 |
| RC – Drug use – promotion/instruction | 0 | 0 | 0 |
| RC – Terrorist-related material | 0 | 0 | 0 |
| RC – Publication | 0 | 0 | 0 |
| Cat 1 – Publication | 0 | 0 | 0 |
| Cat 2 – Publication | 0 | 0 | 0 |
| Totals | 0 | 75 | 75 |

⁴ Descriptions of online 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.classification.gov.au.