

The full reports on these investigations into potential breaches by licensees are on the ACMA website, [www.acma.gov.au](http://www.acma.gov.au). Go to ACMA > Publications > Broadcasting > Investigations and then Radio operations and Television operations. The reports are arranged in order of licensee.

## Advertisement broadcast by 3BBB Ballarat community radio

ACMA has found that Ballarat Community FM Radio Cooperative Society Ltd, the licensee of community radio service 3BBB Ballarat, breached the *Broadcasting Services Act 1992* by broadcasting an advertisement.

On 10 January 2006, ACMA received a complaint concerning material broadcast by 3BBB Ballarat. The complainant alleged that on 4 January 2006 the licensee of 3BBB had broadcast an

advertisement for a business during the program Community Voices. The complainant also alleged that the licensee may have exceeded the allowable time limit for sponsorship announcements.

ACMA found that:

- the licensee of 3BBB Ballarat breached clause 9(1)(b) of Part 5, Schedule 2 to the *Broadcasting Services Act 1992* in that it broadcast an advertisement for line-dancing classes and

- 3BBB did not breach clause 9(3)(b) of Part 5, Schedule 2 to the Act in relation to time limits on sponsorship announcements.

To address the compliance issues raised by the breach finding, the licensee has taken action including giving copies of the preliminary report to all members of the board of the licensee organisation, the presenter and the interviewee; and bringing forward its plans to implement monthly

presenters' meetings to provide a regular forum for discussion of issues. ACMA considers these actions adequate to address the compliance issues raised by the investigation and will continue monitoring the licensee's performance.

The report of the investigation is on the ACMA website at [www.acma.gov.au](http://www.acma.gov.au) (go to ACMA > Publications > Broadcasting > Investigations > Radio operations).

## Internet complaints in March 2006

ACMA's internet complaints hotline enables Australian residents to complain to ACMA about prohibited or potentially prohibited internet content. The hotline was established under Schedule 5 to the *Broadcasting Services Act 1992*. Complaints can be registered on the ACMA website at [www.acma.gov.au/hotline](http://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, directing it not to host the content. Failure to comply with such a notice 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 procedures outlined in 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, March 2006

| Classification and description of internet content <sup>4</sup> | Australian-hosted items (take-down notice issued) | Overseas-hosted items (referred to makers of filters) | Total |
|---|---|---|-------|
| X – Actual sexual activity                                      | 1   | 13  | 14    |
| RC – Child – depiction  | 9   | 53  | 62    |
| RC – Bestiality – depiction                                     | 0   | 0   | 0     |
| RC – Sexual fetish  | 0   | 0   | 0     |
| RC – Sexual fantasy – depiction                                 | 0   | 5   | 5     |
| Totals  | 10  | 71  | 81    |

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, March 2006

|  |    |
|--|----|
| Complaints received                    | 86 |
| Invalid complaints <sup>1</sup>        | 19 |
| Investigations terminated <sup>2</sup> | 4  |
| Investigations completed               | 48 |
| Items actioned <sup>3</sup>            | 81 |

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.