

The full reports on these investigations into potential breaches by licensees are on the ACMA website, 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.

PERTH COMMUNITY RADIO LICENCE CANCELLED

ACMA has cancelled the community radio broadcasting licence held by the Western Australian Aboriginal Media Association (Aboriginal Corporation) (WAAMA).

On 19 May 2006, ACMA found that the community radio service operated by WAAMA (6AR Perth) had breached its licence conditions. ACMA imposed additional conditions on WAAMA on 22 June 2006. One of the additional conditions required WAAMA to provide a compliance plan to ACMA by 31 July 2006, but WAAMA failed to meet this requirement by the due date.

WAAMA ceased broadcasting on 1 September 2006 and WAAMA's Chair, Mr Iva Hayward Jackson, indicated to ACMA that WAAMA would not be surrendering its licence.

As a result of WAAMA's continuing non-compliance, ACMA issued a written notice to WAAMA on 8 September 2006. WAAMA did not

make representations to ACMA by the due date of 15 September 2006 on why ACMA should not suspend or cancel the licence.

ACMA Chairman Chris Chapman said that ACMA's decision to cancel the licence was not taken lightly. 'We had worked very hard with WAAMA to ensure it reflected the listening needs of Perth's Indigenous population. This included our imposing additional licence conditions,' he added.

ACMA has not made any decision regarding the use of the frequency that has been freed up as a result of its decision and will consider this issue at a later date. At that time, ACMA would remain conscious of continuing interest in an Indigenous broadcasting service.

WAAMA was allocated a community broadcasting licence in 1992 to represent the Perth Aboriginal community and to promote

awareness of Aboriginal issues in the wider community. The 6AR service operated on 100.9 MHz FM and used the on-air identifier 100.9 FM.

After receiving several complaints from members of the Perth Aboriginal community, on 14 April 2005 the former Australian Broadcasting Authority (ABA) decided to commence a formal investigation of WAAMA's compliance with certain conditions of its community broadcasting licence. This enabled consideration of matters additional to the specific issues raised by complainants.

As a result of the breach findings made in May 2006, ACMA imposed additional conditions on the WAAMA licence in June 2006 that were intended to ensure that WAAMA:

- ascertained the broadcasting needs and interests of the Perth Aboriginal community by

undertaking research, liaising with other

Indigenous broadcasters or taking other action to seek community views

- provided a mix of music and talk programs that are of specific interest and relevance to different sections of the Perth Aboriginal community and
- encouraged members of the Perth Aboriginal community to become members of WAAMA and/or volunteer at 6AR.

WAAMA was required to, among other things, report to ACMA on its compliance with the additional licence conditions in November 2006, April 2007 and August 2007. Compliance with the additional licence conditions would have been a factor in ACMA's consideration of whether to renew WAAMA's licence when it expired in October 2007.

NBN did not present factual material accurately

ACMA found that NBN Limited, the licensee of commercial television station NBN in northern New South Wales, breached the commercial television code of practice in an item on the NBN Evening News on 16 May 2006.

Under clause 4.3.1 of the *Commercial Television Industry Code of Practice 2004*, licensees must present factual material accurately in broadcasting news and current affairs programs. ACMA found that an item about a call for changes to New South Wales mining legislation did not present factual material accurately in relation to statements concerning the ability

of mining exploration licence holders to access private property.

Under clauses 7.9 and 7.12 of the code, licensees must respond substantively to written complaints about code matters and advise complainants that they can refer the complaint to ACMA if dissatisfied with the licensee's response. ACMA found that the licensee's response, which acknowledged the complainant's letter and advised that his concerns had been noted, did not constitute a substantive response or provide the advice required under clause 7.12.

With regard to the breach of

clause 4.3.1, the licensee's action following the breach finding included a memo to its journalists stating that where claims are made about the impact of any legislation, the relevant legislation should, wherever possible, be viewed to test the veracity of the claims. ACMA does not propose any further action at this time, but will monitor the licensee's compliance with this provision of the code.

With regard to the complaints-handling breaches, the licensee has undertaken a review process and has agreed to provide ACMA with a report on this by 16 February 2007.