

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.

2NUR Newcastle broadcast advertisements

ACMA found that the University of Newcastle, licensee of community radio station 2NUR Newcastle, broadcast advertisements and sponsorship announcements that ran in total for more than five minutes per hour, in breach of licence conditions.

In November 2005, ACMA received a complaint that 2NUR had broadcast advertisements and breached the time limit in relation to sponsorship announcements on 6 and 7

October 2005. The complainant also alleged that 2NUR was not providing its service for community purposes and that it appeared to be operating for profit.

ACMA found that the licensee of 2NUR had breached clause 9(3)(b) of Schedule 2 to the *Broadcasting Services Act 1992* by broadcasting sponsorship announcements that ran in total for more than five minutes per hour and that the licensee had breached clause 9(1)(b) of

Schedule 2 by broadcasting advertisements.

ACMA also found that the licensee of 2NUR provides the service for community purposes and is not operating the service for a profit or as part of a profit-making enterprise. Accordingly, the licensee has not breached clauses 9(2)(d) and 9(2)(e) of Schedule 2.

The licensee has accepted ACMA's breach findings. The licensee intends to limit sponsorship broadcasts to four

minutes and thirty seconds per hour and will take steps to ensure that advertisements are not broadcast in the future.

As the licensee has not breached these licence conditions in the last two years, ACMA considers that these steps address compliance issues raised by the investigation but will continue to monitor the licensee's performance in relation to the licence conditions.

2CBD Deepwater broadcast advertisements

ACMA found that Deepwater & Districts Community FM Radio Inc, the licensee of 2CBD Deepwater, breached the *Broadcasting Services Act 1992* by broadcasting advertisements.

On 30 June 2006, ACMA received a complaint that community radio station 2CBD had broadcast advertisements on 21 June 2006. ACMA investigated the complaint and found that the licensee was in

breach of clause 9(1)(b) of Schedule 2 to the *Broadcasting Services Act*.

In response to the breach finding, the licensee advised ACMA that all presenters had completed a training program conducted by trainers approved by the Community Broadcasting Association of Australia, and that training will be ongoing.

Further, the licensee advised that it had contacted an

experienced Sydney community radio station and is using that station's resources 'to aid it in the process of an internal audit of its broadcasting procedures and reporting responsibilities to ensure that there is no repeat of the violation'.

The licensee has provided ACMA with copies of announcements broadcast since 20 July 2006. It is noted that that these announcements were all

appropriately tagged, in accordance with relevant legislation.

In light of the action taken by the licensee and the fact that this is the first time 2CBD has breached this clause, no further action is proposed at this stage. However, ACMA will continue to monitor the licensee's compliance with the licence condition.

TVS Sydney broadcast advertisements

ACMA has found that Television Sydney (TVS) Limited, the licensee of community television station TVS, breached the *Broadcasting Services Act 1992* by broadcasting advertisements.

In March 2006, ACMA received complaints concerning material broadcast during the program *India TV* on 10, 17 and 20 March 2006. The complainant alleged that the licensee of TVS had broadcast advertisements for concerts, henna products, a film, and a cinema.

ACMA found that the licensee of TVS:

- had breached clause 9(1)(b) of Schedule 2 to the *Broadcasting Services Act* in that it broadcast an advertisement for a line of henna products on 10 March 2006, and an advertisement for a cinema on 20 March 2006;
- had not breached clause 9(1)(b) of Schedule 2 in broadcasting promotional material about concerts on 10 March 2006 because it was 'community information

material' within the exemption at clause 2(2)(a) of Schedule 2; and

- had not breached clause 9(1)(b) of Schedule 2 in broadcasting a film clip on 17 March 2006 because the promotional element in the clip was an incidental accompaniment to the broadcasting of an entertainment segment and no payment was received for broadcasting the material, which means that the material fell within the exemption at clause 2(1) of Schedule 2.

This was the first investigation into a complaint against TVS and the first breach findings against the licensee. In light of this, ACMA decided to continue to monitor the licensee's performance against clause 9(1)(b) of Schedule 2 and take no further action on this occasion.

The investigation report is on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Broadcasting > Investigations > Television operations).