

Ten Perth breached code by broadcasting coarse language in a promotion for *The OC*

ACMA has found that Network Ten Perth Pty Ltd, the licensee of commercial television service NEW Perth, breached the Commercial Television Industry Code of Practice 2004 by broadcasting a promotion for the program, *The OC*, containing coarse language unsuitable for G time.

On 1 June 2005, the former Australian Broadcasting Authority (ABA) received a complaint about a promotion for the M-classified program, *The OC*, broadcast by Network Ten Perth on 15 March 2005. The promotion was screened during a G viewing period and the complainant alleged that the promotion contained language unsuitable for this time slot.

ACMA continued the investigation after it took over

the role and responsibilities of the ABA from 1 July 2005. The complaint was investigated against clause 2.4 of Section 2 of the Commercial Television Industry Code of Practice 2004.

ACMA determined that the licensee of NEW breached clause 2.4 of the code by failing to broadcast material according to the Television Classification Guidelines covering the level of coarse language permitted in G viewing periods.

The code states that all program promotions broadcast in G time must comply with the G classification requirements in Appendix 4 of the code. These state that very mild coarse language generally considered socially offensive or discriminatory may only be used infrequently when

absolutely justified by the story line or program context.

In ACMA's view, the language in the program promotion did not meet these requirements and therefore exceeded what is permitted at this classification.

The licensee accepted the breach finding and has undertaken to distribute the finding to classifiers and program producers and discuss the finding with promotions staff. The finding will also be used as an example in regular code training sessions with staff.

ACMA considers this action addresses the compliance issue raised by the investigation and will continue to monitor the licensee's performance in this regard.

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 or Television operations. The reports are arranged in order of licensee.

Australian Capital Television breached code

ACMA has found that Australian Capital Television Pty Ltd, the licensee of commercial television service CTC Southern New South Wales, breached the Commercial Television Industry Code of Practice 2004 by broadcasting an episode of *Monk* which failed to comply with the PG classification guidelines.

On 30 August 2005, ACMA received a complaint about an episode of *Monk* broadcast by CTC on 11 June 2005. The

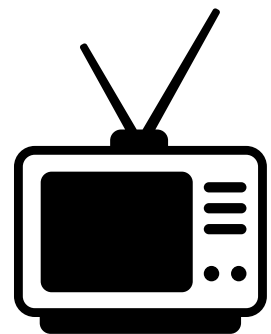
complainant expressed concern about the violent content in the program.

The licensee admitted that due to a technical error the material containing the violent content was not edited from the episode and was mistakenly broadcast. ACMA determined that the licensee of CTC breached clause 2.4 of the code, by failing to classify material in accordance with Television Classification Guidelines set out in clause 3.1 of Appendix 4, which states the

level of violence permitted in material classified PG.

The licensee accepted the breach finding and has rechecked all *Monk* programs to ensure they are correctly edited and broadcast. The licensee has also brought the classification error to the attention of all relevant staff, including program editors and classifiers.

ACMA considers this action addresses the compliance issue raised by the investigation and will continue to monitor the licensee's performance.



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2000FM SYDNEY BROADCAST ADVERTISEMENTS

ACMA has found that Sydney Multicultural Community Radio Association Limited, the licensee of the community radio station, 2000 FM, breached the Broadcasting Services Act by broadcasting advertisements during its broadcast of the *Darpan* program.

ACMA had received a complaint on 17 July 2005 that 2000 FM had broadcast advertisements during the *Darpan* program that day.

ACMA found that the licensee breached clause 9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act by broadcasting advertisements on 17 July 2005.

ACMA noted that in response to the preliminary breach finding, station management has:

- formally given notice of ACMA's decision to the broadcaster of the program, and
- issued a final breach notice advising the broadcaster of the program that it will terminate the program for any repeat breach of the Act.

The station has advised ACMA that it conducts regular conveners' meetings to update its broadcasters on rules regarding sponsorship

announcements and provides broadcasters with a handbook about sponsorship announcements. Station management has also downloaded community radio breach reports from ACMA's website and provided copies of the reports and discussed them at the conveners' meetings, as part of the station's training program.

ACMA considered that these actions addressed the compliance issues raised in the investigation. ACMA will continue to monitor the licensee's performance in this regard.

Liverpool community radio service breached limit on sponsorship announcements

ACMA has found Liverpool-Green Valley Community Radio Cooperative Ltd, the licensee of 2GLF Liverpool, New South Wales, breached the Broadcasting Services Act by broadcasting more than the permitted amount of sponsorship announcements.

ACMA received complaints on 13 and 22 August 2005 alleging that 2GLF had breached its licence conditions during the *Radio Lehren* program broadcast on 13 and 20 August 2005.

An investigation by ACMA found that the licensee breached clause 9(3)(b) of Part 5, Schedule 2 to the Broadcasting Services Act by broadcasting more than five minutes of sponsorship announcements between 4.00 pm and 5.00 pm on 20 August 2005. ACMA found the licensee did not breach clause 9(1)(b) of Part 5, Schedule 2 to the Broadcasting Services Act, as it did not broadcast advertisements during the broadcasts.

ACMA notes that the licensee has taken steps to address the compliance issues raised by the breach finding. These included providing the presenter of *Radio Lehren* with further training, making the presenter aware that he should comply with the legislation and continuing to monitor the presenter and the program.

ACMA considers that these actions are adequate to address the compliance issues raised by the investigation and will continue to monitor the licensee's performance.