



ACMAsphere

Australia's regulator for broadcasting, the internet, radiocommunications and telecommunications

www.acma.gov.au

Issue 1 – September 2005

WELCOME to ACMAsphere

As Acting Chair of the newly established Australian Communications and Media Authority (ACMA), I would like to welcome you to the first issue of *ACMAsphere*, our new monthly news publication.

ACMAsphere will report on the full range of our activities, including short news items and

longer articles exploring current issues in more depth. We expect its readership to include people from across the communications and media industries, as well as community representatives and others with an interest in our regulatory work.

This issue introduces the members of the new Authority

and reports on recent activity by ACMA and our predecessors, the Australian Broadcasting Authority and the Australian Communications Authority.

We hope you find this publication informative, and we welcome your comments.

LYN MADDOCK



Members of the Authority take up the reins

Lyn Maddock, Acting Chair of the Australian Communications and Media Authority (ACMA) and Chris Cheah, Acting Deputy Chair, took up their posts on 1 July 2005, the first day of operation of the new regulator, along with part-time Authority members Gerard Anderson, Malcolm Long, Johanna Plante and Rod Shogren.

Announcing the new Authority on 24 June 2005, the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, said that the members bring a broad range of experience and expertise across ACMA's areas of responsibility including telecommunications, broadcasting and radiocommunications.

Lyn Maddock was the Acting Chair of the Australian Broadcasting Authority (ABA), and had been Deputy Chair of the ABA since 2000. She has broad experience within the public sector, including senior roles with the National Occupation, Health and Safety Commission, the Productivity Commission and the

Department of Prime Minister and Cabinet, and has also held senior positions with Westpac. Ms Maddock was appointed to ACMA for four years.

Chris Cheah was head of the Telecommunications Division of the Department of Communications, Information Technology and the Arts, advising the Australian Government on telecommunications issues. He has also managed accessibility funding programs and held positions with Austel (the predecessor to the Australian Communications Authority) and Telstra. Mr Cheah was appointed to ACMA for four years.

Gerard Anderson is Head of Academic Programs at the University of Central Queensland's Melbourne Campus and was formerly

Pro Vice-Chancellor and Head of the IT and Mathematical Schools at the University of Ballarat. He has also been a member of the Networking the Nation Board. Professor Anderson was appointed to ACMA for three years.

Malcolm Long is the Executive Director of the Australian Film Television and Radio School and was a part-time member of the ABA. He was previously the Managing Director of the Special Broadcasting Service (SBS), has held various roles with the Australian Broadcasting Corporation, including Deputy Managing Director, and has worked for several years as a communications consultant. Mr Long was appointed to ACMA for four years.

Johanna Plante recently retired as the CEO of the

Australian Communications Industry Forum, and has held senior positions with KPMG, Telstra, Pacific Star Communications and Coopers and Lybrand, was a member of Austel and a Board Member of the Regional Telecommunications Infrastructure Fund (Networking the Nation). Ms Plante was appointed to ACMA for three years.

Rod Shogren is a former Commissioner with the Australian Competition and Consumer Commission with a role in telecommunications regulation. He has held a number of senior positions within the public sector and is a consultant for Access Economics. Mr Shogren was appointed to ACMA for three years.



CHRIS CHEAH



GERARD ANDERSON



MALCOLM LONG



JOHANNA PLANTE



ROD SHOGREN

WE WANT TO HEAR FROM YOU

We welcome your comments on our new publication, *ACMAsphere*. Because ACMA was formed from the merger of two organisations, we are having a fresh look at how we communicate with you, including what you expect from our publications. Send your comments to the Manager Communications/Media at ACMA by email to candinfo@acma.gov.au, by fax to (03) 9963 6899 or by mail to PO Box 13112 Law Courts Melbourne Vic 8010.

ACMAsphere is also published on the ACMA website (www.acma.gov.au) and go to ACMA>Publications>Newsletters, where you can subscribe to receive an email alert each time a new issue is released.

If you would like to continue receiving *ACMAsphere* in print, contact us by email to candinfo@acma.gov.au, fax to 03 9963 6899, mail to Communications/Media at ACMA, PO Box 13112 Law Courts, Melbourne Vic 8010, or contact us by telephone on 03 9699 6968.

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Alleged global spammer taken to Federal Court

ACMA has taken alleged global spammer Clarity1 Pty Ltd of East Perth and its managing director, Wayne Mansfield, to the Federal Court in Perth.

The company and Mr Mansfield are alleged to have sent out at least 56 million commercial emails in the twelve months after the *Spam Act 2003* commenced in April 2004. Most of the messages are believed to have been unsolicited and in breach of the Act.

Clarity1, which uses the trading names Business Seminars Australia and the Maverick Partnership, is also alleged to have harvested some of the email addresses to which

emails have been sent and to have sent the emails from a network of servers around the world.

Mr Mansfield and Business Seminars Australia are listed by UK-based international anti-spam watchdog, Spamhaus, as allegedly one of the world's top 200 spammers. The top 200 produce 80 per cent of the world's email spam. Before the Spam Act commenced in April last year, the ACA wrote to alleged Australian-based

spammers on the Spamhaus list about compliance with the new Act. Spamhaus subsequently reported that several major Australian spammers on their list had stopped operating, or left the jurisdiction.

Penalties for contravention of the Spam Act can be up to \$220,000 per day for first-time corporate offenders and up to \$1.1 million per day for repeat offenders. Profits can also be forfeited and compensation paid to victims.

The reporting of spam emails by the public in Australia and overseas made a significant contribution to the investigation in this case, with

complaints about the company received from as far away as the United Kingdom.

On 20 July 2005, the Federal Court issued interim injunctions under the Spam Act against Clarity1 Pty Ltd of Perth and Mr Mansfield. Clarity1 Pty Ltd was ordered to not send commercial electronic messages with an Australian link to any electronic address, except when it has the prior consent of the recipient in accordance with the Spam Act or is otherwise permitted by the Act. Because of the scale of the alleged breaches, a hearing on 4 August 2005 extended the injunction until the trial.

Protection for consumers using mobile services that provide access to content has been strengthened. New rules cover content delivered by premium SMS services accessed on 19 numbers, premium services available through mobile carrier portals and the public internet accessed on a mobile terminal.

The rules are contained within internet co-regulatory codes of practice developed by the Internet Industry Association and registered

Rules for mobile content to protect users

by the former Australian Broadcasting Authority in May, and in service provider rules made by the former Australian Communications Authority in June.

Collectively, the rules apply to carriage service providers as well as the providers of

content for these services.

For content that is billed by mobile carriage service providers, the rules prohibit the supply of content rated X18+ or refused classification. They require that age-restricted content – content rated MA15+ or R18+ – is available only to adults who 'opt in' to such services. Mobile messaging services delivering age-restricted content are also required to use numbers starting with 195 and 196 to make them clearly recognisable.

Under the rules, operators of mobile chat room services must also implement safety measures to reduce the risk to children of being groomed by paedophiles.

ACMA is able to remove content or services delivered to mobile phones that cause serious harm to consumers, particularly children.

Carriage and content service providers are developing a self-regulatory scheme in connection

with the service provider rules. The scheme is aimed at ensuring that consumers are provided with clear and accurate information about the cost, terms and conditions of a mobile premium service at the time it is advertised and when it is being used. It will also specify an unsubscribe command, for example, 'stop', that can be used to cancel any mobile premium service that is supplied on a subscription basis. Under the scheme, an independent body will be set up for complaints that consumers have not been able to resolve with their carriage service provider or the provider of the content.

Mobile premium services include sports scores, audio and video music clips and sports highlights, mobile ring tones, mobile wallpaper, games and other downloads, age-restricted content and chat rooms.

More information about the rules is on the ACMA website at www.acma.gov.au (go to Internet > Content Regulation > Codes & Standards > Internet Content Codes of Practice > and to Phones > Premium Services > Premium Mobile Services).



Extension of **ABC NewsRadio** service and **SBS retransmissions**



ACMA recently released a request for tender to select one or more broadcast spectrum planning consultant(s).

This consultancy is to determine the spectrum availability and technical specifications for FM radio broadcasting services around Australia for extending the transmission of the Australian Broadcasting Corporation (ABC) Parliamentary News Network and for retransmission services for the Special Broadcasting Services (SBS).

The Australian Government is funding the extension of the ABC NewsRadio network to areas where the population is 10,000 or more. The targeted areas have been identified by the Department of

Communications, Information Technology and the Arts in consultation with the ABC.

The SBS self-help retransmission scheme is also supported by government funding under the auspices of SBS retransmission subsidy scheme.

PARLIAMENTARY BROADCASTING AND ABC NEWSRADIO

In the early 1990s, the ABC NewsRadio service was introduced on a time-sharing basis, utilising the air-time available on the then Parliamentary Radio Network when parliamentary broadcasts were not on air. Since its inception, ABC NewsRadio has

become increasingly popular with Australian listeners.

Carriage of the parliamentary broadcast service was supported by unused medium wave transmitters vacated by commercial radio operators when they converted to the more popular VHF FM radio band. The vacant channels and transmission facilities were initially used by Parliamentary Radio and Radio for the Print Handicapped.

The Australian Government, acknowledging the popularity of the ABC NewsRadio service, pledged to extend its transmissions to more listeners, initially targeting the extension of the service to selected areas where the population was 10,000 or more. The government has allocated funding for transmission facilities in identified areas.

The former Australian Broadcasting Authority (ABA) was given the task of planning FM radio spectrum to establish these services in 73 areas across Australia. The Department of Communications, Information Technology and the Arts allocated \$600,000 over three financial years from 2004–05 to the ABA for planning FM radio spectrum for these services. The ABA, through its broadcast licence area planning process, had already set aside FM spectrum for an additional national service in 24 areas.

To accelerate the FM radio spectrum planning in remaining areas of Australia, ACMA recently issued a tender to select one or more consultant(s) to plan FM radio spectrum for the ABC NewsRadio service along with other national FM spectrum requirements in the area. This will include SBS spectrum requirements for its self-funded retransmissions scheme in some regional areas.

The ACMA tender is to be awarded by September 2005 and the contractor would be required to complete the planning work for all services including the provision of technical specifications for the national services by the end of November 2006.

Allocation of FM spectrum for ABC NewsRadio will be on a priority basis, concentrating initially on higher population areas to meet the strong demand for the service. The ABC had already released a tender to select a contractor to provide transmission facilities in 42 areas.

SBS RADIO RETRANSMISSIONS

Under the Self-Help Subsidy Scheme, SBS Radio is also assisting local communities in regional areas to establish and operate FM transmitting facilities. ACMA, in consultation with SBS and the Department of Victorian Communities, through the Victorian Office of Multicultural Affairs, has provided technical advice to enable town councils in regional Victoria to take advantage of the scheme.

A consultancy brief has been prepared to identify the candidate transmission sites and coverage requirements for the nine local government self-help facilities. The consultancy is to be funded by the Victorian Government.

SBS has also identified another 16 areas in Australia for assistance under the Self-Help Subsidy Scheme and all have been ear-marked in the current ACMA tender as requiring the determination of additional FM radio spectrum.

For more information about the tender, go to the ACMA website: Latest> Tenders.

Codes increase certainty about rights of use of telephone numbers

Two new registered industry codes will make it easier for holders of large blocks of numbers, including businesses, to take advantage of number portability and obtain the best deals available from service providers.

Developed by industry through the Australian Communications Industry Forum (ACIF), *Industry Code ACIF C554:2004 Rights of Use of Premium Rate Service Numbers* and *Industry Code ACIF C566:2005 Rights of Use of Numbers* clarify the rights of different parties involved in the allocation, issue and use of telephone numbers.

Under the codes, customers can obtain and port whole blocks of numbers, whether or not individual numbers within the block were in use, provided the carriage service provider agrees. Larger customers now have greater certainty that, if they choose to change service provider, they will still be able to use the same block of telephone numbers, even if

some numbers in this block are reserved for future use.

The codes also clarify when rights of use over numbers exist in the premium rate services market, which has been a source of confusion in the past.

Neither code applies to the rights of use of numbers acquired at a public auction.

Registration of the two codes makes them enforceable by ACMA and, together with amendments to the Numbering Plan, they will provide strong protection for consumers and adequate guidance for industry.

The codes are on the ACMA website (www.acma.gov.au) and go to Industry > Codes > Register of Codes).



Television Sydney granted a four-week extension to commence broadcasting

ACMA has decided to grant Television Sydney Limited (TVS) a four-week extension of time to commence broadcasting its service. TVS now has until 21 November 2005 within which to start broadcasting.

The decision followed a request by TVS to extend the period in which it is required

to commence broadcasting, to enable it sufficient time to obtain the supply and commissioning of a 20 kilowatt transmission system at Gore Hill.

ACMA considers that by granting this extension, TVS will be able to provide a high quality and wide coverage

community television service in Sydney.

TVS was allocated a licence to provide a community television service for Sydney in March 2004. The decision was subject to a Federal Court appeal, which upheld the decision on 23 April 2004.

Conditions applicable under

the Broadcasting Services Act require a licensee to commence broadcasting services within a year of being allocated a licence, or within such longer period as is notified in writing by ACMA. On 14 April 2005, the ABA granted TVS a six-month extension, to 23 October 2005, to commence its service.

Temporary community broadcasting licences

Temporary community broadcasting licences (TCBLs) foster the development of community radio by allowing aspirant broadcasters to develop their operational and programming skills. They also help to build community support for a long-term community broadcasting service.

TCBLs also provide aspirant community broadcaster access to available spectrum ahead of, but without prejudice to, the planning and allocation of long-term broadcasting service licences.

Licensees are subject to the same licence conditions, codes of practice and enforcement

provisions that apply to community broadcasting licensees. The licence conditions are set out in the Broadcasting Services Act at Schedule 2, Part 5 – Standard Conditions.

TCBLS ALLOCATED, 9 JUNE-29 JULY 2005

| STATE | LICENCE AREA | LICENSEE | FREQUENCY | START | FINISH | ALLOCATED |
|-------|--------------|--|--|----------|----------|-----------|
| NSW | Young RA1 | Lambing Flat Community Broadcasting Inc. | 92.3 MHz | 01/07/05 | 31/10/05 | 23/06/05 |
| Vic | Geelong RA1 | Geelong Ethnic Communities Council Inc. | 94.7 MHz | 26/06/05 | 25/09/05 | 23/06/05 |
| WA | Pilbara RA1 | Gumala Aboriginal Corporation | 102.1 MHz, 104.9 MHz, 101.7 MHz, 102.7 MHz, 102.9 MHz, & 106.5 MHz | 26/07/05 | 25/07/06 | 24/06/05 |

DVB-H launch

(L-R) HOLLY KRAMER, MANAGING DIRECTOR OF WIRELESS AND MOBILITY PRODUCTS, TELSTRA; LYN MADDOCK, ACTING ACMA CHAIR AND DANIEL KIRSOP-PEARSON, MANAGING DIRECTOR, THE BRIDGE NETWORKS.



Australia's first trial of DVB-H (digital video broadcasting – handheld) was launched by Lyn Maddock, Acting ACMA Chair, at the SMPTE (Society of Motion Picture and Television Engineers) conference, Darling Harbour, Sydney on 19 July 2005.

'It is appropriate, so early in the life of ACMA – our new converged regulator, to help launch a product which epitomises the changes taking place – changes which are so profoundly linking the worlds of broadcasting and telecommunications,' Ms Maddock said.

The trial, facilitated by ACMA making UHF channel 29 available in Sydney for 12 months, uses DVB-H technology to converge existing mobile telephony with multimedia/TV content. Participants in the trial receive a Nokia DVB-H capable handset with an initial choice of 15 channels, including Nine Network Australia, ABC2, SBS, CNNi, Fox Footy, Fox Sport News, Sky News, Sky Business News, the Weather Channel, the Lifestyle Channel, E-entertainment, Channel V, the History Channel and Nickelodeon.

'Trials provide an opportunity for the regulator to get a "look and feel" for the technology in a market context,' Ms Maddock said. 'The challenge for us in this changing environment is to manage compliance in a way that is outcome-oriented, encourages efficiency, allows innovation and is fair and consistent. Allowing and encouraging trials of new technology is an integral part of our regulatory approach and I welcome today's launch for that reason as well.'

Macquarie Bank on notice to rectify licence control breach

ACMA has issued a notice to Macquarie Bank Limited to rectify a breach of the rule limiting control of commercial radio licences to no more than two per licence area.

Macquarie Bank controls three commercial radio licences in the overlapping Gympie and Nambour areas and ACMA has told the bank it has six months to remedy the breach.

The breach resulted from the recent acquisition by AMI Radio Pty Ltd of the commercial radio station 4NNN Gympie (The Heat 96.1). Macquarie Bank, through wholly owned subsidiary Macquarie Direct Investment Ltd (MDIL), is deemed to be in a position to control AMI Radio's commercial radio licences. Macquarie Bank already controls two commercial radio licences in the Nambour licence area – 4SEE and 4SSS Nambour.

The *Broadcasting Services Act 1992* provides that, in the case of a population overlap of more than 30 per cent, two licence areas are to be treated as one for the purposes of the ownership and control provisions. As 59.97 per cent of the population of the Gympie licence area resides in the overlap between the Gympie and Nambour licence areas, the purchase of the Gympie licence means Macquarie Bank controls three licences in the overlapping licence areas.

'While ACMA is satisfied that Macquarie Bank's breach

was not deliberate or flagrant, the breach highlights the need for corporations to ensure that their internal compliance regimes are robust enough to address their regulatory obligations,' said Acting Chair, Lyn Maddock.

Section 54 of the Broadcasting Services Act limits a company's control to no more than two commercial radio licences in the one licence area.

Section 70 of the Act specifies that, when issuing notices, ACMA must choose one of four periods in which the breach is to be remedied. These periods are one month, six months, one year or two years, depending on the circumstances of the breach.

If ACMA is satisfied that the breach is deliberate or flagrant, it must specify a period of one month. If ACMA is satisfied that the company or person causing the breach is not an associate (within the meaning of the Act) of the person in breach, it must specify a period of one or two years.

ACMA has examined the circumstances of this breach and is satisfied that six months is the most appropriate notice period to specify.

In September 2004, Macquarie Bank purchased RG Capital Radio Limited

and thereby acquired its 35 commercial radio broadcasting licences. In the same month, it acquired DMG Regional Radio Pty Ltd and its 57 commercial radio broadcasting licences. Macquarie was already in a position to control eight AMI Radio commercial radio broadcasting licences. As a result of these acquisitions, Macquarie Bank came into a position to control of more than two commercial radio broadcasting licences in 11 licence areas, in each case breaching section 54 of the Act (for which they had prior approval).

ACMA has been monitoring Macquarie Bank's progress in remedying the breaches.

To date, seven licences have been nominated for divestiture: Macquarie Bank recently advertised these seven licences (2AY Albury, 4CCA Cairns, 4MMK Mackay, 4CC and 4RO Rockhampton, and 4RGR and 4RGT Townsville) for sale. Macquarie Bank is also taking action to remedy the breaches created by its control of licences held by AMI Radio. Three of these licences – 2HC Coffs Harbour (639 AM), 2PM Kempsey (521 AM), and 2EL Orange (1089 AM) – were recently sold to Bill Caralis' 2SM Supernetwork.

Experimental apparatus licence for standards body

In an innovative move signalling a new era in spectrum management, ACMA has issued an experimental apparatus licence to GS1 Australia, the radiofrequency identification (RFID) standards body (previously EAN Australia).

The experimental licence provides for higher power RFID trials in the 920-926 MHz frequency range in the 900 MHz industrial, scientific and medical band. Under the trial arrangements, GS1 Australia and ACMA will monitor the deployment of the higher power RFID readers and rectify any potential problems that may arise for adjacent services, such as Vodafone's GSM mobile phone networks.

ACMA expects that the information gathered from the trial will support the consideration of an amendment to the RFID class licence to accommodate the higher power. RFID is an important emerging technology that allows efficient and accurate supply chain management. It has the potential to offer money-saving applications in industries such as major retail vendors, automotive manufacture and military logistics.

Changes to improve payphone siting

Variations to Telstra's universal service obligation (USO) standard marketing plan are designed to improve the processes for installing, removing and relocating public payphones.

The standard marketing plan sets out how Telstra, as the primary universal service provider, intends to supply equipment, goods and services to fulfil its universal service obligation.

The changes were recommended by the ACA in its 2004 report on the review of payphone policy, as part of the government's response to the Regional Telecommunications Inquiry. They introduce criteria for payphone siting in state and national parks, and allow for increased payphone density on highways and major roads in rural and remote areas where there is inadequate mobile

phone coverage. The variations will mean greater transparency for any Telstra decision to decline a request to install a payphone in a particular location or to remove the last payphone from a location.

New processes governing the siting of payphones in remote Indigenous communities have also been introduced. Telstra is trialling new services intended to meet the telecommunications needs of remote Indigenous communities and to test their suitability for widespread deployment.

More information about payphones is on the ACMA website (www.acma.gov.au) and go to Phones > Universal Service Regime > Universal Service Obligation > Payphones). Telstra's standard marketing plan is on its website at www.telstra.com.au/universalservice/standard.htm.



Minister sets **USO** subsidies for next three years

Following consultation with the former Australian Communications Authority (now ACMA) the Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, has set the universal service obligation (USO) subsidies for the next three financial years.

The USO is a core consumer safeguard that provides reasonable access to standard telephone services and payphones for all Australians, regardless of where they live or work. Setting subsidies for three years is in accordance with the USO's legislative objectives

and provides industry with certainty regarding the funding of the USO to assist with investment and planning.

The ACA was directed by the Minister in August 2004 to provide advice on USO

subsidies for the 2005-06, 2006-07 and 2007-08 years. The advice was provided in late 2004 and accepted by the government.

The ACMA website has more information about

universal service costing and funding (www.acma.gov.au) and go to Phones > Universal Service Regime > Universal Service Obligation > Costing & Funding) or email funding@acma.gov.au.

| | 2005-06 | 2006-07 | 2007-08 |
|------------------------------------|----------------------|----------------------|----------------------|
| Extended zones | \$21,266,489 | \$19,087,175 | \$17,131,189 |
| Extended zones payphones | \$2,084,385 | \$2,133,213 | \$2,183,183 |
| NSW/Qld and SA/Vic pilot areas | \$15,468,902 | \$12,689,765 | \$10,412,164 |
| Payphones excluding extended zones | \$11,145,976 | \$11,407,073 | \$11,674,286 |
| Standard area | \$121,438,120 | \$112,374,354 | \$103,675,415 |
| TOTAL | \$171,403,872 | \$157,691,580 | \$145,076,237 |

Children's Television Standards varied

Minor technical changes have been made to the Children's Television Standards (CTS), which came into effect on 1 July 2005. In some areas, the CTS were poorly drafted and ambiguous, which led to difficulties in interpretation for broadcasters.

The variations clarify the operation of the CTS and ensure that the wording aligns with the policy intent of the standards – they do not set a new policy direction for children's programming. There are no changes to broadcasters' quota figures for children's programs, advertising limits or the criteria used to classify children's programs.

As a result of the variations, minor technical variations were also made to the Australian Content Standard.

ACMA has the power to make and vary standards for children's programs on commercial free-to-air television under the

Broadcasting Services Act. The objective of the CTS is to ensure that the child audience has access to quality Australian children's programming on free-to-air commercial television.

Under the CTS, commercial free-to-air television licensees must broadcast at least 390 hours of children's programming. This includes 260 hours of Children's (C) programs and 130 hours of Australian preschool (P) programs per year. There are separate sub-quotas for first release Australian C drama. The CTS also deal with promotions, announcements, advertisements and other issues relevant to broadcasts during children's viewing times.

The standards and their explanatory statements are on the ACMA website at www.acma.gov.au (go to Radio&TV > Content Regulation > Television > Codes and Standards).

THE VARIATIONS TO THE CHILDREN'S TELEVISION STANDARDS:

- define key terms such as 'C period', 'C material', 'P period', 'P material', 'live coverage', and 'community service announcement'
- adopt consistent terminology and
- ensure that the CTS are consistent with recent variations to the Australian Content Standard in relation to Australian C drama quotas.

THE VARIATIONS ALSO CLARIFY THAT LICENSEES CAN:

- claim the whole of a C or P period towards their quota requirements – the C and P periods are made up of C or P programs and additional non-program C or P material allowed under the CTS
- displace some C periods to allow 'plausible live' coverage of major events, which are suitable for viewing by children – 'plausible live' broadcasts are those, such as sports events broadcasts, that have been delayed in certain places for time zone reasons
- broadcast G classified promotions for sports events coverage suitable for viewing by children, during breaks immediately before, during, or immediately after, C or P periods
- broadcast voice-over promotions for C programs during the end credits of other C programs
- broadcast up to seven minutes of non-program material per 30 minutes, where non-drama C programs are broadcast – the non-program material can include G classified community service announcements, up to one minute of station identifications and program promotions and up to five minutes of advertisements and
- broadcast up to 13 minutes per hour of non-program material during Australian C drama programs – the non-program material can include advertisements, program promotions, community service announcements and station identifications.

CHILDREN'S AND PRESCHOOL PROGRAMS

The Children's Television Standards (CTS) require commercial television licensees to broadcast minimum annual quotas of children's programming. All C (children's) and P (preschool) programs must be classified by ACMA before being broadcast on

free-to-air commercial television. Program classification is based on criteria contained in the CTS and the Australian Content Standard. These standards are available on the ACMA website at www.acma.gov.au (go to Radio&TV > Content

regulation > Television > Codes & Standards).

The objective of the CTS is that 'children should have access to a variety of quality television programs made specifically for them, including Australian drama and non-drama programs.'

Classification categories include Provisional P and C, full P and C, and Australian C Drama at both pre-production and completed stages.

The table provides information about the programs granted classification in July.

PROGRAMS GRANTED CLASSIFICATION, JULY 2005

| PROGRAM TITLE | SERIES | EPISODE NUMBERS | PROGRAM STYLE | PROGRAM TYPE | COUNTRY OF ORIGIN | NEW/RENEWAL | CLASS | DECISION DATE | APPLICANT |
|------------------------|--------|-----------------|----------------------|-------------------------------|-------------------|-------------|-------|---------------|---|
| <i>Here's Humphrey</i> | 5 | 1-26 | Live action/puppetry | Light entertainment - variety | Australia | Renewal | P | 15 Jul | Banksia Productions Pty Ltd |
| <i>FARMkids</i> | 1 | 1-26 | Animation | Drama - series | Australia | New | PRC | 21 Jul | FARMkids Pty Ltd |
| <i>Swamp</i> | 1 | 1-52 | Animation | Drama - series | Australia | New | PRC | 29 Jul | Upstage Productions Pty Ltd |
| <i>Wormwood</i> | 1 | 1-26 | Live action | Drama - series | Australia | New | PRC | 29 Jul | AIP Entertainment Pty Ltd |
| <i>Seaside Hotel</i> | 2 | 1-26 | Animation | Drama - series | Australia | New | PRC | 27 Jul | Yoram Gross EM TV Pty Ltd |
| <i>Mortified</i> | 1 | 1-13 | Live action | Drama - series | Australia | New | CD | 15 Jul | Australian Children's Television Foundation |
| <i>Faireez</i> | 2 | 40-52 | Animation | Drama - series | Australia | New | CD | 29 Jul | Moody Street Kids Pty Ltd |

C - children's program, P - preschool, CD - C drama, PRC - provisional C, Class - classification

Draft industry standard to protect customer information

ACMA has received comments on a draft industry standard that aims to protect telecommunications customer information. A key principle of the draft standard is that the use of customer information in the Integrated Public Number Database (IPND) and access to that information is restricted and protected.

The draft standard also aims to balance community and commercial expectations about the use of such information.

The standard was drafted because of increasing concern about improper use of customer information and provides clear, enforceable rules for the use of this information.

It was the first time the ACA had exercised its powers to establish an industry standard.

The IPND can only be accessed for 'approved purposes', such as to assist police and emergency services, or to produce public telephone number directories. One of

the issues on which comment was sought during the public consultation process was the whether this list needs to be amended to accommodate a broader range of approved purposes.

ACMA will consult with the Telecommunications Industry Ombudsman, the Australian

Competition and Consumer Commission, the Office of the Federal Privacy Commission and a consumer body before determining an industry standard.

The draft industry standard is on the ACMA website (www.acma.gov.au and go to Industry > Telecommunications > Industry Standards). For more information, contact ACMA's Consumer Interests Section on (03) 9963 6800 or email draftstandards@acma.gov.au.

NEW PHONE NUMBER RANGES PROPOSED

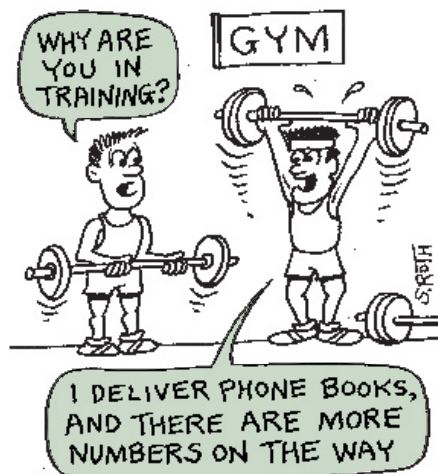
Proposed new phone number ranges will supplement existing ranges that are close to being used up in several areas of Australia.

THE FOLLOWING NEW NUMBER RANGES ARE PROPOSED:

- (02) 55** and **(02) 56** for use in regional New South Wales
- (03) 40**, **(03) 41**, **(03) 43** and **(03) 47** for use in regional Victoria
- (03) 61** for use in Hobart
- (07) 42** and **(07) 44** for use in regional Queensland and
- (08) 60** and **(08) 66** for use in regional Western Australia.

THE NUMBER RANGES NEARING EXHAUSTION ARE:

- (02) 65** and **(02) 66** in regional New South Wales
- (03) 50**, **(03) 51**, **(03) 53** and **(03) 57** in regional Victoria
- (03) 62** in Hobart
- (07) 40** and **(07) 47** in regional Queensland and
- (08) 90** and **(08) 96** in regional Western Australia.



The introduction of new numbers may have implications for customer equipment and dialling. Business telephone systems may require reprogramming to allow calls made to the new numbers.

The proposed changes were developed by ACMA in consultation with its Numbering Advisory Committee, which includes industry, government and consumer representatives.

ACMA is seeking written comment on the new number ranges by 13 October 2005.

The proposed new ranges are in a draft variation to the Telecommunications Numbering Plan, which is on the ACMA website (www.acma.gov.au and go to Phones > Numbering > Numbering Plan) or contact ACMA's Numbering Section on (03) 9963 6800.

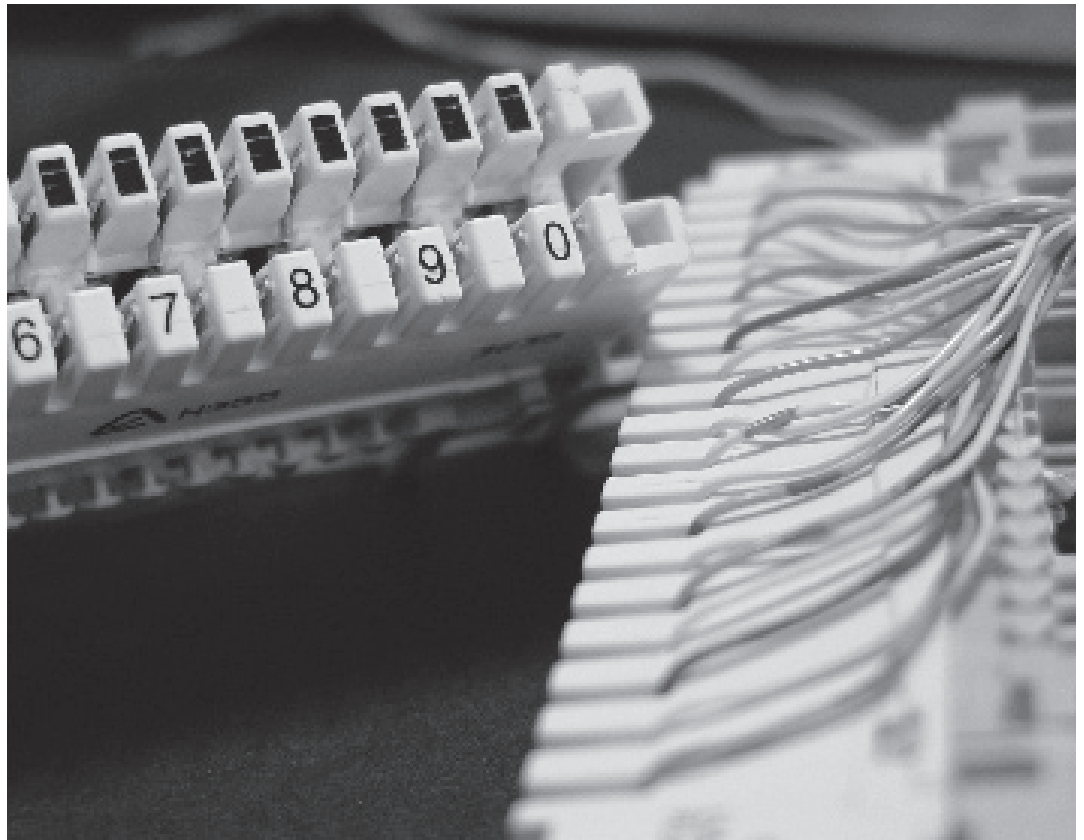
ACCREDITED FREQUENCY ASSIGNER SCHEME UNDER REVIEW

ACMA is reviewing the accredited persons scheme, which has provided services to spectrum users since 1996. Under the scheme, accredited persons issue frequency assignment certificates for radiocommunications apparatus licensing and interference impact certificates as part of the registration of devices under spectrum licensing. While the scheme has successfully supported licensing for several years, this review is aimed at identifying any improvements that could build on its success. ACMA wants to ensure the continued improvement in the availability, quality, equity and long-term viability of the scheme.

Of the 47 accredited persons in Australia, the number of those who are active (and the amount of work they undertake) has been relatively steady for the last four years. Many apparatus licence applicants prefer to use accredited persons, rather than go direct to ACMA, to obtain a broad range of services and advice to meet their needs.

A discussion paper outlining proposed changes to the scheme was released in late June 2005 for public comment by 31 August. In the paper, which was published on the ACMA website, comment was sought on issues including entry qualifications and period of accreditation, assignment and licensing documentation, training and skills and ACMA's online system.

Cabling provider rules to be changed



Changes have been proposed to the *Telecommunications Cabling Provider Rules 2000*, which govern cabling registration and cabling work. The changes will tighten the rules in some areas and relax them in others to reflect current industry practice and regulatory experience. The proposed amendments, which follow industry consultation on the operation of the rules, are expected to improve their operation.

The changes include tightening the certification requirements for registered cabling supervisors and exempting certain types of minor cabling work

from the obligation to be certified. The responsibilities of registered cabling supervisors supervising unregistered cabling work will also be made clearer.

The review of the cabling provider rules aimed to ensure they kept pace with changes in the industry, exploring opportunities for extending self-regulation and examining issues raised by industry since they were introduced in October 2000. The cabling industry supported the review to ensure the objectives of the rules continue to be met.

The cabling provider rules were introduced to promote greater self-regulation in the cabling industry and were

jointly developed by the industry and the former ACA. The rules are based on an industry-managed national cabling registration scheme and apply to individuals performing cabling work in the communications, security, fire and data sectors. All cabling supervisors are required to comply with the registration requirements set out in the rules.

The proposed changes are on the ACMA website, go to [Industry >](#). A discussion paper released in late June 2005 canvassed the changes, with comments to be submitted by 31 August.

Proposed extension of 4VL Charleville to Mitchell, Queensland

ACMA is proposing to make channel capacity available to commercial radio service 4VL Charleville at Mitchell Airport, Queensland, to improve coverage of its service in the eastern part of its licence area.

The proposal follows consideration of a request from the licensee of 4VL for improvement to its service and was published for comment in June 2005.

ACMA also sought comments on a request from

4VL to extend its licence area to include Mitchell. While Mitchell is in the licence area of commercial radio service 4ZR Roma, parts of the town including the airport are in the Charleville licence area.

Regional Broadcasters Australia Pty Ltd, the licensee of 4ZR, has received funding under the Commercial Radio Blackspots Program to provide a service in Mitchell. A frequency was allocated for this service in 2003.

Details are included in a draft variation to the Charleville licence area plan and explanatory paper. Comments on the draft variation closed on 14 July 2005. The draft plan and explanatory paper are on the ACMA website at www.acma.gov.au (go to Latest > Draft documents > Broadcasting >> Draft licence area plans (LAPs)) or contact ACMA on telephone (free call) 1800 810 241.



CHANGES PROPOSED TO IMPROVE RECEPTION OF 2AAA WAGGA WAGGA

ACMA has proposed making channel capacity available to improve reception of community radio service 2AAA Wagga Wagga following a request from 2AAA's licensee to improve and extend its service.

2AAA requested that channel capacity be made available for translators in Wagga Wagga South and Junee

to rectify signal deficiencies of the service within its licence area. It also requested that translators be made available to extend the 2AAA service to the townships of Gundagai and Coolamon.

The proposals are contained in the draft variation to the Wagga Wagga radio licence area plan released earlier this year for public comment.

Comments on the proposal closed on 8 July 2005. The draft variation to the Wagga Wagga radio licence area plan with an explanatory paper are on the ACMA website at www.acma.gov.au (go to Latest > Draft documents > Broadcasting >> Draft licence area plans (LAPs)) or contact ACMA on telephone (free call) 1800 810 241.

BREACHES BY BROADCASTERS

Cumberland Community Radio provides undertaking

Cumberland Community Radio Inc., the licensee of community radio service 2CCR Parramatta, has provided an undertaking to ACMA that it will encourage community participation in the operation of the service, and in the selection and provision of programs.

The licensee has also undertaken to provide reports on how it is giving effect to the undertaking in the six-month period from 1 July to 31 December 2005. These reports

are to be provided within one month from the end of each three-month reporting period, that is, by 31 October 2005 and 31 January 2006.

Cumberland Community Radio Inc. breached a condition of its licence by not encouraging members of the community that it serves to participate in its operations and in the selection and provision of programs.

Between 24 March and 27 April 2004, the ABA received

several written complaints about the licensee. The complaints related to the nature of the service being provided and raised questions of compliance, by the licensee, with conditions on its licence.

The ABA determined that the licensee breached the licence condition at paragraph 9(2)(c) of Schedule 2 to the Broadcasting Services Act. It also found the licensee did not breach the licence condition at paragraph 9(2)(b) of Schedule 2 to the Act in that, on balance, the licensee continues to represent the community interest that it represented at the time when the licence was last renewed.

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.

GTV 9 Melbourne too slow to respond to complaint

ACMA has found that General Television Corporation Pty Ltd, the licensee of commercial television station GTV 9 Melbourne, breached the Commercial Television Industry Code of Practice 2004.

The company was found to have not provided, within the time frame required by the code, a substantive written response to a complaint about a news item broadcast on 11 January 2005 during the *Nightline* program.

On 23 March 2005 the ABA received an unresolved written complaint regarding an edition of the program *Nightline* broadcast on GTV

9 Melbourne on 11 January 2005. The complainant alleged that the licensee had broadcast a news item concerning the (then) imminent release of terrorist suspect Mamdouh Habib from the Guantanamo Bay detention centre in Cuba that was not presented fairly or impartially. The complainant also alleged that the licensee failed to respond to his written complaint.

ACMA has since determined that the licensee:

- did not breach clause 4.4.1 of the code in broadcasting a news item on 11 January 2005 during the *Nightline* program, but

- breached clause 7.10 of the code by not providing, within the time frame required by the code, a substantive written response to the complaint.

In response to the breach finding, the licensee advised ACMA that it had counselled relevant staff regarding the station's obligation to respond to written complaints within the time frame required by the code and reminded them of complaints handling processes. The licensee has also written to the complainant to apologise for the lack of a timely written response.

These actions address the compliance issues raised by the investigation. The licensee has not been found to be in breach of the complaints-handling provisions of the code since June 2002 and its performance in complying with code will continue to be monitored.

PRIME TV TO MONITOR CAPTIONING STANDARDS

Prime Television (Northern) Pty Ltd, the licensee of commercial television service NEN Northern New South Wales, has provided an undertaking to monitor local news compliance with captioning standards for three months.

Prime has also undertaken to report to ACMA on the

outcome of that monitoring within two weeks of the conclusion of the monitoring period.

The undertaking follows a finding by the former Australian Broadcasting Authority (ABA) that the licensee breached Regulation 3.01 of the *Broadcasting Services (Digital Television Standards) Regulations 2000*, by not providing a captioning service for local news broadcast in the NEN regional licence area for more than two years since it commenced transmission in digital mode on 31 March 2003.

On 22 March 2005, the ABA received a complaint alleging that Prime Television in Newcastle was not captioning any of its local news broadcasts.

In response to the preliminary breach finding, Prime advised that it has provided captioned local news broadcasts in the Newcastle area since 11 April 2005 and in the Tamworth and the North Coast areas since 3 May 2005.

Given the seriousness of the breach, the ABA decided to seek an undertaking from the licensee, which was provided on 30 June 2005.

TVQ Brisbane invaded privacy and failed to exercise special care before using a child's name

The ABA found that Network Ten Brisbane Pty Ltd, the licensee of commercial television service TVQ Brisbane, breached the Commercial Television Code of Practice 2004.

The licensee was found to have used material that invaded a person's privacy and to have failed to exercise special care before using material relating to a child's personal or private affairs in the broadcast of a report of a sensitive nature concerning the child.

The ABA also found TVQ breached the code by failing to advise the complainant that she could refer her complaint to the ABA.

On 23 February 2005, the ABA received a written complaint regarding a news item concerning bullying in

schools broadcast in the First *At Five* news program on TVQ. The complainant alleged that the licensee breached her and her son's privacy by revealing their names in the broadcast.

The ABA determined that the licensee:

- breached clause 4.3.5 of the Commercial Television Industry Code of Practice 2004 by using material which invaded the complainant's privacy
- breached clause 4.3.5.1 of the code by failing to exercise special care before using the name of the complainant's son and
- breached clause 7.12 the code by failing to advise the complainant that she may refer the matter to the ABA if not satisfied with the licensee's response.

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.

The Ten Network advised the ABA that it has conducted code training with the relevant newsroom and will bring this finding to the attention of all news staff.

While deciding not to take any action on this occasion, the licensee's compliance with these code provisions will continue to be monitored.

The licensee has also reminded network staff of the importance of ensuring that complaints are processed through the proper channels, and of advising complainants of their right to refer code complaints to the ABA. The ABA considered that this action addresses the compliance issue raised by the investigation.

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.

5AA Adelaide vilified Aboriginal people

The ABA found that Festival City Broadcasters Pty Ltd, the licensee of commercial radio service 5AA Adelaide, breached the Commercial Radio Codes of Practice 1999.

The licensee was found to have broadcast a program which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race. The ABA also found 5AA breached the code by failing to respond to the complainant's written complaint about the broadcast.

On 21 May 2004, the ABA received a complaint about comments made concerning Aboriginal people broadcast on the *Bob Francis Show* on 5AA on 17 February 2004 between 11.00 pm and 12.00 midnight.

The ABA has determined that the licensee of 5AA, in broadcasting the *Bob Francis Show* on 17 February 2004:

- breached clause 1.3(e) of the Commercial Radio Codes of Practice 1999, by broadcasting a program which was likely to have incited or perpetuated hatred against or vilified Aboriginal people on the basis of their race, and it was not presented reasonably and in good faith for purposes in the public interest, including discussion or debate about any act or matter and
- breached clause 5.6 of the code, as it did not respond to the complainant's written complaint about the broadcast.

The licensee is considered to have moved quickly to deal with this matter, including the broadcast of an apology by Bob Francis for the distress caused.

Since the broadcast that resulted in the breach finding,

5AA has taken actions including quarterly training, ongoing training and support, and monitoring.

5AA plans further training on compliance with all aspects of the code, not limited to a consideration of statements made in isolation but including consideration of the context of comments.

This, and the seriousness of the matter, was discussed at length with Mr Francis, who has made a commitment to properly address the issue. To remove to the greatest extent possible the prospect of any repeat of such unacceptable conduct, 5AA said it is committed to the training and management program, details of which were provided to the ABA.

The licensee has also confirmed steps taken in early 2004 to implement a formal process to ensure compliance

with the requirements of clause 5.6 of the code. These steps included logging complaints, providing a written response to complainants, advising complainants of their right to refer their complaints to the ABA (and now to ACMA) if they are dissatisfied with the licensee's response and maintaining a register of complaints. The register is administered by 5AA's General Manager and Financial Controller.

These were the first breaches against the relevant code provisions by the licensee in the past five years. The licensee's actions are considered to address the compliance issues raised by the investigation and ACMA will continue to monitor the licensee's performance against the relevant code provisions.

2GLF LIVERPOOL BROADCAST ADVERTISEMENTS

ACMA has found that Liverpool-Green Valley Community Radio Cooperative Ltd, the licensee of community radio service 2GLF Liverpool, breached the Broadcasting Services Act, by broadcasting advertisements on a community radio program on 20 November and 11 December 2004.

Between 6 December 2004 and 31 January 2005, the ABA received written complaints about material on the Hindi program, *Radio Lehren*, broadcast on 2GLF Liverpool. The program is broadcast on Saturdays from 4.00 pm to 7.00 pm.

The complainant alleged that the licensee of 2GLF had breached its licence conditions by broadcasting advertisements that included an on-air 'auction' for a commercial enterprise; and sponsorship announcements for more than five minutes in the hour.

ACMA has since determined that the licensee did broadcast advertisements on the *Radio Lehren* program on 20 November and 11 December 2004, breaching paragraph 9(1)(b) of Part 5 of Schedule 2 to the Broadcasting Services Act.

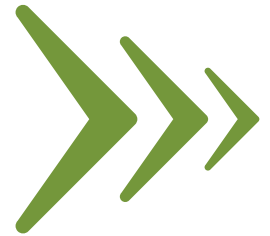
As the announcements broadcast were advertisements, it was not necessary to consider whether the licensee breached the sponsorship limits.

In response to the breach finding, the licensee has taken the following steps:

- Radio Lehren's presenter has been reminded of his obligation to adhere to the relevant Act and codes
- following receipt of the original complaint, the 'auction' style advertisement has ceased and all sponsorship announcements have been appropriately tagged and
- the presenter has been advised that the Bollywood competition announcements fall into the category of sponsorship announcements and not community information.

ACMA considers that these actions address the compliance issues raised by the investigation and will continue to monitor the licensee's compliance with this requirement.

BROADCASTING COMPLAINTS



Under the Broadcasting Services Act, each broadcasting industry sector is required to develop codes of practice applicable to the broadcasting operations of its section of the industry. ACMA monitors the operation of these codes and performs an independent adjudicator role where complaints are not resolved between the complainant and the licensee concerned.

This summary is of ABA investigations into unresolved complaints, as well as complaints about possible breaches of the Broadcasting Services Act or licence conditions, completed in the six months to 31 December 2004.

There is also, with the cooperation of Free TV Australia and Commercial Radio Australia, a six-month report of the number and substance of complaints made directly to the commercial broadcasters.

SIX-MONTH SUMMARY OF ABA INVESTIGATIONS INTO BROADCASTING

INVESTIGATIONS BY THE ABA INTO UNRESOLVED COMPLAINTS COMPLETED IN THE SIX MONTHS TO 31 DECEMBER 2004

Number of investigations finalised in the six months: **76**

Investigations resulting in a breach: **26**

(The 26 investigations resulted in 33 breaches of a code of practice and three breaches of a licence condition.)

Investigations resulting in no breach: **50**

Of the 26 investigations finding a breach, 17 related to commercial television, three each to community radio, commercial radio and ABC Television and resulted in 36 breaches. These covered the following 10 broad issues, grouped by category of service:

COMMERCIAL RADIO

- complaints handling (two breaches)
- breach of a licence condition by not retaining records (one)
- vilification (one)
- presenting the misuse of alcohol as desirable (one)

COMMERCIAL TELEVISION

- complaints handling (10)
- failure to present news or current affairs accurately, fairly or impartially (six)
- broadcast of material exceeding the classification level of a rated program or a pre-classified viewing time (eight)
- breach of a licence condition by not including required particulars with political matter broadcast at the request of another person (one)

COMMUNITY RADIO

- breach of a licence condition by broadcasting advertisements (one)
- lack of internal dispute resolution policy and procedure (one)
- lack of programming practices to protect children (one)

ABC TELEVISION

- complaints handling (one)
- failure to present news or current affairs accurately, fairly or impartially (two)

THE COMPLAINTS PROCESS

Primary responsibility for the resolution of code-related complaints rests with the licensees themselves. The Broadcasting Services Act lays down a general procedure for complaint handling whereby a complainant is required to approach a licensee first, who in turn is obliged to respond. However, if a complainant does not receive a response within 60 days or considers the response received to be inadequate, the matter may then be referred to ACMA for investigation. ACMA refers to these as unresolved complaints and must investigate such complaints unless satisfied that a complaint is frivolous, vexatious or not made in good faith.

Complaints about possible breaches of program standards (children's television, Australian content and commercial radio), about the Broadcasting Services Act itself and about licence conditions may be made directly to ACMA – complainants are not obliged to contact a licensee first.

ACMA may make a finding that a licensee has breached a code of practice or a licensee may admit a breach of a code. Breaches of codes are not breaches of the Broadcasting Services Act, although ACMA may make compliance with a code a condition of licence. Generally, ACMA seeks to ensure that licensees take action to remedy breaches or to put in place procedures to ensure they do not recur.

ABA investigations July–December 2004

BREACH FINDINGS

| CALLSIGN | PROGRAM/ ADVERTISEMENT/ISSUE | SUBSTANCE OF COMPLAINT | CODE/LICENCE CONDITION |
|-------------------------------------|--|--|--|
| COMMERCIAL TELEVISION | | | |
| AUSTRALIAN CAPITAL TERRITORY | | | |
| CBN Prime Southern NSW | <i>Landscape</i> | The program contained political matter without including the required authorisation. | Required particulars to be announced when political matter is broadcast at the request of another person.* |
| WIN Canberra/Southern NSW | <i>A Current Affair – Participation In Surveys</i> | The program segment was inaccurate and misrepresented viewpoints. | Accurate presentation of factual material and fair representation of viewpoints in current affairs. |
| WIN Canberra/Southern NSW | <i>60 Minutes – Stitched Up</i> | The program was inaccurate and unfairly represented the issues. | Accurate presentation of factual material and correction of significant errors at earliest opportunity in current affairs. |
| NEW SOUTH WALES | | | |
| ATN 7 Sydney | <i>Today Tonight – Boys in Trouble</i> | Inaccurate portrayal of interviewees' opinions, and that some interviews went to air without consent. Complaints handling. | Complaints handling. |
| ATN 7 Sydney | <i>Today Tonight – Centrelink</i> | The segment was inaccurate and failed to fairly represent Centrelink's viewpoint. | Accuracy, fair representation of viewpoints and correction of significant errors at earliest opportunity in current affairs. |
| ATN 7 Sydney | <i>Today Tonight – Red Cross</i> | Complaint that a segment on Hepatitis C infected blood presented factually incorrect information and misrepresented viewpoints in a way likely to cause public panic. Complaints handling. | Accuracy, fair representation of viewpoints, complaints handling. |
| NEN Northern NSW & Gold Coast | <i>Prime Local News</i> | An item on the likely rise in petrol prices by a Labor government was inaccurate and biased. Complaints handling. | Complaints handling. |
| TCN 9 Sydney | <i>The Specialist</i> promotion | A promotion for the M classified film had strong sexual overtones and violence. Failure to receive response from licensee. | Broadcasting material in G time zone with more than a very low sense of threat and menace. Failing to respond to complaint as soon as practicable but no longer than 30 working days after receipt of complaint. |
| QUEENSLAND | | | |
| TNQ Regional Qld | <i>Good Morning Australia</i> | The program contained nudity and semi-nudity inappropriate for a PG timeslot. Complaints handling. | Failing to supply substantive written response and not advising complainant of their right to refer matter to ABA. |
| TVQ 10 Brisbane | <i>V8 Supercar</i> | Radio exchanges between drivers and pit crew contained coarse language. | Not exercising care in the selection of material for broadcast in a sports program during G time zone. |
| VICTORIA | | | |
| ATV 10 Melbourne | <i>The Last Samurai</i> and <i>Cold Mountain</i> commercials | Commercials for MA classified cinema films were incorrectly shown during G programs. | Broadcasting material classified MA during G programs. |
| ATV 10 Melbourne | <i>Sports Tonight</i> | A 'Rove's Play of the Day' segment contained torture and violence that was not suitable for family viewing time. | Failing to exercise care in selecting material for broadcast during a news sports program in G. |
| GTV 9 Melbourne | <i>Final Analysis</i> | Consumer advice given for the M classified movie was inappropriate, as it did not include a warning that the film contained sex scenes. | Incorrect consumer advice warning accompanying M movie. |
| HSV 7 Melbourne | <i>Athens Olympics 2004</i> | The broadcast of an excessive number of advertisements and station promotions during the coverage of the Athens Olympics. Complaints handling. | Complaints handling. |
| HSV 7 Melbourne | <i>Firestorm</i> | The promotion contained violence and coarse language that was inappropriate for a G program. | Broadcasting material with more than a very low sense of threat or menace during a G program. |
| HSV 7 Melbourne | <i>The Matrix: Revolutions</i> commercial | The commercial contained graphic scenes, including a human head disappearing into flames. | Broadcasting material classified M during PG time zone. |
| WESTERN AUSTRALIA | | | |
| TVW 7 Perth | <i>Sunrise</i> | Objection to information provided about male circumcision. Complaints handling. | Complaints handling. |
| COMMERCIAL RADIO | | | |
| QUEENSLAND | | | |
| 4EL Cairns | <i>John McKenzie Mornings</i> | Callers and the presenter made offensive comments during broadcasts of the program. Copy of broadcast not retained. Complaints handling. | Retention of records*, complaints handling. |
| VICTORIA | | | |
| 3AW Melbourne | <i>Drive with Derryn Hinch</i> | Rex Hunt vilified the complainant on the <i>Drive with Derryn Hinch</i> program. | Vilification. |
| 3FOX Melbourne | <i>Breakfast Show</i> | The competition The Great Race presented the misuse of alcohol as desirable. | Presenting the misuse of alcohol as desirable. |
| COMMUNITY RADIO | | | |
| New South Wales | | | |
| 2FBI Sydney | <i>Music – Closer – Nine Inch Nails</i> | Complaint that explicit and offensive language in song that was broadcast at 3.52 pm when children might be listening. | Establish programming practices to protect children. |
| SOUTH AUSTRALIA | | | |
| 5EBI Adelaide | Conflict resolution policy | Licensee does not have adequate conflict resolution policy in place. | Internal conflict resolution procedures in place. |

| CALLSIGN | PROGRAM/ ADVERTISEMENT/ISSUE | SUBSTANCE OF COMPLAINT | CODE/LICENCE CONDITION |
|--------------------------|---------------------------------|---|-------------------------------|
| WESTERN AUSTRALIA | | | |
| 6WR Regional WA | Advertisements | The licensee broadcast advertisements. | Broadcasting advertisements.* |
| ABC TELEVISION | | | |
| ABC TV NSW | News | Report covering a defamation case against Channel 9 was factually inaccurate, biased and misleading. | Accuracy in news. |
| ABC TV Vic | Stateline – Pacific Hydro | A segment concerning Pacific Hydro's Wind Energy Project in Portland, Victoria was not accurate, balanced or impartial. | Accuracy in current affairs. |
| ABC TV WA | ABC News | A 7.00 pm news item was discriminatory in its reference to 'Asian crime gangs' as murder suspects. Complaints handling. | Complaints handling. |

*Breach of a licence condition or the *Broadcasting Services Act 1992*. All other breaches were of a code of practice.

NO BREACH FINDINGS

| COMMERCIAL TELEVISION | | | |
|-------------------------------------|---|--|--|
| AUSTRALIAN CAPITAL TERRITORY | | | |
| CTC Canberra/ Southern NSW | Skithouse | Comedy segment featured violence against a cat and did not comply with the PG classification requirements for violence. | PG material to be mild in impact – violence, adult themes. |
| WIN Canberra/ Southern NSW | Strengthening Medicare advertisements | The broadcast of political matter did not include the required particulars. | Announcement of required particulars with broadcast of political matter.* |
| NEW SOUTH WALES | | | |
| ATN 7 Sydney | Today Tonight – Terrorist Threat in Australia | Allegations made in a segment on terrorism concerning the complainant's behaviour towards an unattended bag were inaccurate and an unfair representation of his viewpoint. | Accurate presentation of factual material and fair representation of viewpoints in current affairs. |
| TCN 9 Sydney | A Current Affair – National Road Quiz | Inaccurate quotation of the road rules regarding use of roundabouts. Complaints handling. | Accurate presentation of factual material in current affairs, complaints handling. |
| MTN WIN Griffith & Murrumbidgee | A Current Affair – Iraq Hostage Execution | Footage of lead-up to execution of a US hostage was distressing and offensive to viewers and gave no warnings. | Provision of warnings when broadcasting distressing and offensive material. |
| NBN Newcastle | A Current Affair – Iraq Hostage Execution | The segment was inappropriate for a G time zone and should have carried a warning. | Provision of warnings when broadcasting distressing and offensive material. |
| VICTORIA | | | |
| ATV 10 Melbourne | The OC promotion | Promotion for M classified program broadcast during G time zone contained inappropriate language. | M promotion in G – language. |
| ATV 10 Melbourne | Ten Nightly News | Distressing material broadcast of a car on fire, with a voice-over informing viewers that two people were killed. | Material likely to distress or offend viewers. |
| ATV 10 Melbourne | Melbourne International Comedy Debate | The broadcast of a debate on the Ten Commandments ridiculed the Bible and vilified those who believe in God and take the Bible seriously. | Vilification. |
| GTV 9 Melbourne | Wide World of Sports – AFL coverage | Inappropriate language used by commentator during broadcast of the Port Adelaide/Collingwood AFL match. | Exercise care in the selection and broadcast of all material in near-live sporting events. G – language. |
| HSV 7 Melbourne | Pearl Harbour promotion | The promotion for the M classified film contained violence inappropriate for a family viewing time. | M promotion in G – violence. |
| HSV 7 Melbourne | Seven Nightly News | The news bulletin and a promotion for <i>Today Tonight</i> which included content of a new treatment for diabetes amounted to an advertisement relating to medicines. | Advertisement for a medicine.* |
| HSV 7 Melbourne | Seven Nightly News | The broadcast of an item concerning the alleged attempted poisoning of minors was not presented with care or regard to the composition of the viewing audience, especially children. | Material in news that may seriously distress or seriously offend a substantial number of viewers. |
| HSV 7 Melbourne | Today Tonight – Weight Reduction | The segment promoted a pharmaceutical product and failed to provide accurate information to the public. | Advertisement for a medicine, accuracy in current affairs.* |
| BCV/GLV Western Vic | There's Something About Miriam promotion | The promotion for the M classified program broadcast during <i>American Idol</i> contained partial nudity and references to sexual behaviour, which was unsuitable material for children to watch. | M promotion in G – nudity, sexual references. |
| AMV Prime Regional Vic | Prime Suspect – The Last Witness | The use of the name of Jesus Christ in the program vilified Christians. | Vilification. |
| QUEENSLAND | | | |
| BTQ 7 Brisbane | Today Tonight – Centrelink | A segment was sensationalised, one-sided and contained inaccuracies. | Accurate presentation of factual material and fair representation in current affairs. |
| QTQ 9 Brisbane | A Current Affair – Get Rich Schemes | A segment about the complainant's business affairs was inaccurate and unfairly represented their viewpoints. | Accurate presentation of factual material and fair representation of viewpoints in current affairs. |
| QTQ 9 Brisbane | 76th Academy Awards | Excessive amount of time occupied by non-program matter during the presentation of <i>The Academy Awards</i> . Complaints handling. | Limits to the amount of non-program matter, complaints handling. |
| QTQ 9 Brisbane | A Current Affair – Chicks in Bricks | A segment which was filmed outside a building which prominently featured the name of a business, inaccurately inferred that that particular business was failing. | Accurate presentation of factual material and fair representation of viewpoints in current affairs. |

| CALLSIGN | PROGRAM/ADVERTISEMENT/ISSUE | SUBSTANCE OF COMPLAINT | CODE/LICENCE CONDITION |
|--|--|---|--|
| TVQ 10 Brisbane | <i>Skithouse</i> | A skit relating to organ transplants was offensive. | PG – Adult themes should be carefully handled and mild in impact. |
| TVQ 10 Brisbane | <i>There's Something About Miriam</i> promotions | Promotions for the M classified program were not suitable for G because they contained adult themes. | M promotions in G – nudity, sexual references. |
| RTQ Regional Queensland | <i>News</i> | Confidential complaint about an inaccurate and unfair report. | Accurate presentation of factual material and privacy in news. |
| STQ Regional Queensland | <i>Today Tonight – Electromagnetic Radiation</i> | The segment contained factual material that was not accurately presented, was misleading and alarmed viewers. Complaints handling. | Accurate presentation of factual material, mislead and alarm viewers, complaints handling. |
| SOUTH AUSTRALIA | | | |
| SAS 7 Adelaide | <i>Pet Secure Advertisement</i> | Concern that the advertisement was too disturbing for G time zone. | Advertisements to be given appropriate classification. G – other (minimise distress to children). |
| WESTERN AUSTRALIA | | | |
| STW 9 Perth | <i>Comedy Inc</i> | A segment entitled <i>The Other Passions of the Christ</i> vilified Christians and did not carry warnings. | Vilification. |
| TVW 7 Perth | <i>Leap Years</i> | Episodes containing nudity were not accompanied by appropriate consumer advice | Sex and nudity in MA and M, consumer advice. |
| TVW 7 Perth | <i>Leaving Las Vegas</i> promotion | The promotion for the AV classified movie contained explicit nudity. | AV – sex and nudity. |
| TVW 7 Perth | <i>Rugby World Cup – Romania vs Australia</i> | The English captions mistranslated the Romanian national anthem, and the mistranslation amounted to vilification. Complaints handling. | Vilification, complaints handling. |
| OPEN NARROWCASTING TELEVISION (Community TV trial) | | | |
| Channel 31 Melbourne and Briz 31 Brisbane | General program content | By broadcasting horse racing, community television services were not operating according to the requirements for community licensees. | Providing a service without a licence, and use of spectrum for community and educational non-profit purposes.* |
| COMMERCIAL RADIO | | | |
| NEW SOUTH WALES | | | |
| 2GB Sydney | <i>Alan Jones</i> | The program incited religious hatred against Muslims. Complaints handling. | Vilification, complaints handling. |
| QUEENSLAND | | | |
| 4MMM Brisbane | <i>Molloy – Tough Love Show</i> | Mick Molloy's review of a Mel Gibson movie was crass and offensive, racially vilifying and breached contemporary standards of decency. | Vilification, standards of decency of the likely audience. |
| COMMUNITY RADIO | | | |
| NEW SOUTH WALES | | | |
| 2BCR Bankstown | Community Interest, Participation | The licensee is not representing the community's interest or encouraging the community to participate in programming. | Continue to represent the community interest, participation. |
| 2SNR Gosford | Community Interest, Participation | The licensee is failing to represent the original community interest, and is not encouraging community participation. | Continue to represent the community interest, participation. |
| 2YAS Yass | <i>Yes Yass It's Saturday</i> | The presenter made comments that appeared to demean and vilify the complainant on the grounds of his political affiliation. Discussion that encouraged people how to vote in council elections amounted to political advertising without the required tag. Complaints handling. | Identification of certain political matter*, vilification, complaints handling. |
| QUEENSLAND | | | |
| 4SDA Nambour | Participation | The community service did not encourage participation by the community. | Community participation in the service. |
| TASMANIA | | | |
| 7EDG Hobart | Music – general | A number of complaints regarding various music tracks. Complaints handling. | Language, complaints handling. |
| VICTORIA | | | |
| 3CCC Bendigo | Volunteer guidelines, Conflict resolution policy | Licensee did not provide copies of the volunteer guidelines and conflict resolution policy when requested to do so. | Volunteer guidelines, written conflict resolution policy in place. |
| WESTERN AUSTRALIA | | | |
| 6PCR Fremantle | <i>Morning Show</i> | Presenter's comments contained inaccuracies and stereotyped East Timorese people. | Accuracy in news and current affairs. Vilification. |
| OPEN NARROWCAST RADIO | | | |
| KIX FM Agnes Waters, Bundaberg, Gladstone, Maryborough and Hervey Bay, Rockhampton and Yeppoon | General program content | Open narrowcast services for Agnes Waters, Bundaberg, Gladstone, Maryborough and Hervey Bay, Rockhampton and Yeppoon are not narrowcast as defined in the Broadcasting Services Act. | Providing a commercial broadcasting service without a licence.* |

| CALLSIGN | PROGRAM/ADVERTISEMENT/ISSUE | SUBSTANCE OF COMPLAINT | CODE/LICENCE CONDITION |
|---|--|--|--|
| ABC TELEVISION | | | |
| ABC TV | <i>Enough Rope</i> | Interview with Lisa Marie Presley contained coarse language. | Language, M classification. |
| ABC TV | <i>News</i> | Albert Park Formula One Grand Prix – inaccurate figures reported on spectator attendance. | Accuracy and correction of errors. |
| ABC TV | <i>Lateline</i> | Segment featuring an interview with John Pilger was biased and failed to challenge views of the interviewee. | Accuracy, balance and impartiality in current affairs. |
| ABC TV | <i>Australian Story – The Brendan Abbott Story</i> | The program contained coarse language and did not provide a warning. | Language and warnings. |
| ABC TV | <i>George Negus Tonight</i> | The presenter referred to a migrant from England as the 'Pommy power man'. Complaints handling. | Discrimination, complaints handling. |
| ABC RADIO | | | |
| ABC METRO 7ZR Hobart | <i>AM</i> | Alleged that a report on the Middle East conflict was inaccurate and biased in favour of Israel. | Accuracy, balance and impartiality in current affairs. |
| ABC JJJ | <i>Morning Show</i> | Concerned with inappropriate language on youth radio. | Language. |
| SBS TELEVISION | | | |
| SBS TV | <i>Stories from the Golf</i> | Objected to the use of 'Jesus Christ' as a swear word. | Religions. |
| SBS TV | <i>Pizza</i> | Program contained material which degrades women and is offensive to people from ethnic backgrounds. | Portrayal of women and indigenous Australians. |
| SUBSCRIPTION TELEVISION BROADCASTING | | | |
| FOXTEL | Mild Seven Outdoor Quest | The broadcast on Fox Sports contained tobacco advertising. | Broadcasting a tobacco advertisement.* |

*Potential breach of a licence condition or the *Broadcasting Services Act 1992*. All other potential breaches were of a code of practice.

COMPLAINT HANDLING BY COMMERCIAL RADIO STATIONS

The Commercial Radio Codes of Practice require each commercial radio broadcaster to provide Commercial Radio Australia with an extract of the record of complaints received. Commercial Radio Australia

provides a consolidated report to ACMA.

Member stations recorded 302 written complaints alleging breaches of the Commercial Radio Codes of Practice during the second half of 2004.

| | TALKBACK & DISCUSSION | NEWS & CURRENT AFFAIRS | MUSIC PROGRAMS | ADVERTISING | MISCELLANEOUS | TOTAL |
|----------------------|-----------------------|------------------------|----------------|-------------|---------------|------------|
| Offensive matters in | 251 | 1 | 12 | 3 | 3 | 270 |
| Prohibited matter in | 5 | 0 | 0 | 0 | 0 | 5 |
| Other complaints | 11 | 3 | 2 | 3 | 9 | 27 |
| Total | 267 | 4 | 14 | 5 | 12 | 302 |

Source: CRA Commercial Radio Codes of Practice: Complaints summary July to December 2004

COMPLAINT HANDLING BY COMMERCIAL TELEVISION STATIONS

The Commercial Television Industry Code of Practice requires each commercial television broadcaster to report to Free TV Australia, within 15 working days of the end of each quarter, the number and substance of written complaints alleging specific breaches of the code. Free TV Australia provides a consolidated report to ACMA.

Commercial television stations reported 358 written complaints about matters covered by the code of practice in the second half of 2004. This was 37 per cent fewer than the 571 complaints reported in the first half.

COMPLAINTS UPHELD

In 10 instances in the six months, a station agreed that a complaint identified a breach of

the code, compared with seven instances in the previous six months.

- One concerned the handling of a complaint about an interview with the complainant on *Today Tonight* (Seven Network). The network agreed that it had not responded to the complainant within 30 working days and agreed to conduct a compliance training program on complaints handling for the news and current affairs area.
- One was about a news item shown on *Seven Nightly News* (Seven Network),

which contained footage of a train crash in Melbourne.

The network agreed that greater sensitivity could have been exercised in the use of this footage.

- One was in relation to placement of a program promotion for *There's Something about Miriam* (Network Ten). The network agreed that the program promotion was inappropriately placed, a result of a technical error. The network has investigated the error and has taken measures to guard against a similar future occurrence.

- One was about the placement of an advertisement shown during the *Australian Rally Championship* (Southern Cross Ten, Canberra). The station agreed that the advertisement had been classified incorrectly, and changed the classification of the commercial to ensure that it would only be broadcast at appropriate times. The station agreed to review its commercial classification procedures to ensure this did not happen again.
- One was about the placement of an advertisement shown during *Ten News* (Southern Cross Ten, Coffs Harbour). The network agreed that the advertisement had been classified incorrectly. In response to the complaint, the station changed the classification of the commercial to ensure that it would only be broadcast at appropriate times. The station agreed to review its commercial classification procedures to ensure this does not happen again.
- One was in relation to exceeding the hourly limit for non-program matter during the *US PGA Golf* (Channel 9 Perth). The station acknowledged that during certain periods of the coverage, it had exceeded the hourly limit for non-program matter. During other periods, the amount of non-program matter was substantially lower than the hourly limit. The cause of the variation was the way coverage was provided by the host broadcaster in the US (which had determined how often and when advertising breaks occurred). This variation, which resulted in a breach of the hourly limit, was outside the station's control. However, the station will be alert to the issue in the future.
- Two upheld complaints were about the placement of a program promotion for *Lost* during a G rated program (Seven Network). The network agreed that the program promotion was inappropriately placed as a result of a technical error and rectified the error immediately.
- Two related to the placement of a program promotion for *The Grudge* (WIN Television). The network agreed that the program promotion was inappropriately scheduled and took steps to ensure that this did not happen again.
- *Australian Idol* (Network Ten) – seven complaints, mostly concerning language considered inappropriate for the time zone.
- *All Saints* (Seven Network) – five complaints, mostly concerning sex and nudity and some coarse language considered inappropriate for the time zone.
- *Australia's Funniest Home Video Show* (Nine Network) – five complaints, mostly concerning perceived dangerous and imitable behavior and sex and nudity considered inappropriate for the time zone.
- *Neighbours* (Network Ten) – nine complaints, mostly concerning sexual references considered unsuitable for the time zone.
- *Marty & Jess: An Outback Wedding* (Network Ten) – eight complaints, mostly concerning language and sexual references considered unsuitable for the time zone.
- *Ten News* (Network Ten) – seven complaints, mostly concerning perceived inaccuracy and potentially distressing material.

COMPLAINTS NOT UPHELD

Programs receiving the highest number of complaints (not upheld) were:

- *60 Minutes* (Nine Network) – 25 complaints, mostly concerning perceived bias and inaccuracy in reporting and lack of warnings for potentially distressing or offensive images.
- *Today Tonight* (Seven Network) – 17 complaints, mostly concerning perceived inaccuracy in reporting.
- *Comedy Inc* (Nine Network) – 10 complaints, mostly concerning material considered unsuitable and content considered offensive to religion.
- *Seven Nightly News* (Seven Network) – 14 complaints, concerning the alleged inaccurate reporting of

COMPLAINTS MADE TO COMMERCIAL TELEVISION STATIONS ABOUT PROGRAMS, JULY-DECEMBER 2004

| | BIAS/ INACCURACY | CLASSIFICATION/ OTHER | CLOSED CAPTION | COMMERCIAL CONTENT | COMMERCIAL GENERAL | COMMERCIAL PLACEMENT | COMPLAINT HANDLING | DISCLOSURE | DISCRIMINATION | LANGUAGE | PRIVACY | SEX/NUDITY | SUICIDE | VIOLENCE | TOTAL | % ALL |
|-------------------------|---------------------|--------------------------|----------------|-----------------------|-----------------------|-------------------------|-----------------------|-------------|----------------|--------------|-------------|--------------|-------------|-------------|------------|------------|
| CHILDREN | | 2 | | | | | | | | | | | | | 2 | 0.56 |
| COMEDY | | 18 | | | | | | | 10 | 5 | | 9 | | 2 | 44 | 12.29 |
| CURRENT AFFAIRS | 43 | 10 | | 4 | | | 1 | | 1 | | 2 | | | 1 | 62 | 17.32 |
| DOCUMENTARY | | | | 1 | | | | | 1 | 2 | | 2 | | 1 | 7 | 1.96 |
| DRAMA | | 6 | | 2 | 1 | | | | 2 | 1 | | 11 | 2 | 4 | 29 | 8.10 |
| INFORMATION | | 3 | | | | | | | 1 | 2 | | 3 | | 2 | 11 | 3.07 |
| MOVIES | | 13 | 2 | 2 | | 2 | | | | 8 | | 4 | | 2 | 33 | 9.22 |
| MUSIC VIDEO | | 2 | | | | | | | 5 | 1 | | 2 | 2 | | 12 | 3.35 |
| NEWS | 23 | 15 | 1 | | | 1 | | | 4 | | 4 | | | | 48 | 13.41 |
| PROGRAM PROMO | | 15 | | 2 | | | | | 2 | 3 | | 14 | | 8 | 44 | 12.29 |
| SPORT | | 0 | | 2 | | 1 | | | | 3 | | | | 1 | 7 | 1.96 |
| UNSPECIFIED | | 9 | | 3 | 1 | 7 | | 1 | 4 | 7 | | 8 | | | 40 | 11.17 |
| VARIETY | | 4 | | | | | | | 4 | 6 | | 5 | | | 19 | 5.31 |
| TOTAL | 66 | 97 | 3 | 16 | 2 | 11 | 1 | 1 | 34 | 38 | 6 | 58 | 4 | 21 | 358 | 100 |
| % ALL COMPLAINTS | 18.44 | 27.09 | 0.84 | 4.47 | 0.56 | 3.07 | 0.28 | 0.28 | 9.50 | 10.61 | 1.68 | 16.20 | 1.12 | 5.87 | 100 | |

Source: Free TV Commercial Television Industry Code of Practice: Complaints summary July to December 2004

INTERNET COMPLAINTS

Established under Schedule 5 to the Broadcasting Services Act, ACMA's internet complaints hotline enables Australian residents to complain to ACMA about prohibited or potentially prohibited internet content. Complaints can be registered on the ACMA website at 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 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 suppliers of filter software of the content, 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 of the filter products listed in the schedule to the codes, for the use of their subscribers.

If ACMA finds internet content is of a 'sufficiently serious' nature (such as child pornography), it notifies the relevant police force or accredited hotline overseas.

More information about ACMA's role in co-regulation of internet content is on the ACMA website at www.acma.gov.au/hotline.

COMPLAINTS OVER THE LIFE OF THE SCHEME

ACMA and the former ABA have received more than

4,200 complaints about illegal and offensive ('prohibited') internet content through its internet complaints hotline and investigated more than 3,200 complaints since the co-regulatory scheme began on 1 January 2000. Of these investigations, more than 2,200 found that the complaint related to prohibited or potentially prohibited content. Action has been taken on 334 individual items of Australian-hosted content and more than 2,900 items of overseas-hosted content.

SUMMARY OF COMPLAINTS (JANUARY 2000 TO JUNE 2005)

| | JAN-JUNE 2000 | JULY-DEC 2000 | JAN-JUNE 2001 | JULY-DEC 2001 | JAN-JUNE 2002 | JULY-DEC 2003 | JAN-JUNE 2003 | JULY-DEC 2003 | JAN-JUNE 2004 | JULY-DEC 2004 | JAN-JUNE 2005 | TOTAL |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|
| COMPLAINTS RECEIVED | 201 | 290 | 215 | 231 | 391 | 298 | 385 | 491 | 616 | 598 | 547 | 4,263 |
| INVESTIGATIONS COMPLETED | 160 | 221 | 185 | 199 | 300 | 236 | 280 | 406 | 404 | 429 | 385 | 3,205 |
| INVESTIGATIONS TERMINATED¹ | 37 | 56 | 29 | 46 | 84 | 71 | 89 | 80 | 95 | 94 | 108 | 789 |
| INVALID COMPLAINTS² | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 95 | 72 | 77 | 246 |
| INVESTIGATIONS FINDING POTENTIALLY PROHIBITED CONTENT | 93 | 139 | 98 | 157 | 216 | 175 | 206 | 255 | 293 | 302 | 273 | 2,207 |
| ITEMS ACTIONED³ AUSTRALIAN HOSTED) | 62 | 64 | 34 | 67 | 26 | 19 | 7 | 4 | 3 | 1 | 47 | 334 |
| ITEMS ACTIONED (OVERSEAS HOSTED) | 94 | 136 | 153 | 146 | 245 | 292 | 278 | 321 | 380 | 430 | 427 | 2,902 |

COMPLAINTS - JUNE 2005

| | |
|---------------------------|----|
| Complaints received | 79 |
| Invalid complaints | 9 |
| Investigations terminated | 4 |
| Investigations completed | 48 |
| Items actioned | 62 |

ITEMS ACTIONED - JUNE 2005

| CLASSIFICATION AND DESCRIPTION OF INTERNET CONTENT ⁴ | AUSTRALIAN-HOSTED ITEMS (TAKE-DOWN NOTICE ISSUED) | OVERSEAS-HOSTED ITEMS (REFERRED TO MAKERS OF FILTERS) | TOTAL |
|---|---|---|-----------|
| X 18+ - Actual sexual activity | 0 | 6 | 6 |
| RC - Child - depiction | 0 | 46 | 46 |
| RC - Sexual violence - depiction | 0 | 5 | 5 |
| RC - Sexual fantasy - depiction | 0 | 5 | 5 |
| Totals | 0 | 62 | 62 |

1. A complaint is terminated under clause 26(4) of Schedule 5 if ACMA has insufficient information to conclude the investigation.

2. 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 (e.g. no internet address provided; complainant not an Australian resident); or
- the complaint falls within the meaning of clause 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 (e.g. the complaint relates to an electronic 'virus').

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 when items of internet content are found to be prohibited or potentially prohibited.

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 on the Office of Film and Literature Classification website at www.oflc.gov.au/resource.html?resource=62&filename=62.pdf.

ACMA Broadcasting Conference to be held in November

ACMA IS HOLDING A BROADCASTING CONFERENCE ON 9 AND 10 NOVEMBER.

The two-day event will explore the way the industry is changing, and the implications of those changes for its regulation.

The ACMA conference builds on the success of the former Australian Broadcasting Authority's annual conference, which was rated highly by industry professionals, policy makers and analysts, and will present a coherent program with expert speakers.

Day one of the conference will be a series of sessions based on the 'value chain' of the broadcasting industry:

Content Creation >
Aggregation > Transmission
> Access Devices > Sales & Marketing

Each session will identify current trends and likely developments in that sector of the industry, with discussion led by experts.

CONFIRMED CONVENERS INCLUDE:

- Martin Dagleish, CEO Convergent Media, PBL
- Ross Henderson, Director, Panasonic AVC Networks Australia
- Rose Herceg, CEO Pophouse
- Justin Milne, Managing Director, Bigpond.

DAY TWO WILL PROBE LIKELY REGULATORY PRESSURE POINTS:

- What's the future of news and current affairs regulation in a world of blogging podcasters and search engines?
- How can platform-based regulation deal with increasingly blurred industry boundaries?
- What's the future for the role of non-commercial media?

CONFIRMED SPEAKERS INCLUDE:

- Nick Abrahams, Partner, Deacons
- John Battle, Head of Compliance, ITN
- Trevor Cook, Director, Jackson Wells Morris
- Georgia-Kate Schubert, Manager Public Policy, Vodafone

The conference's keynote presentation will be made by Richard Hooper, Deputy Chair of the UK's merged super-regulator Ofcom. Richard will present a special retrospective on the lessons learned from combining regulators in converging industries.

More information about the conference, including updates and registration details, is on the ACMA website at www.acma.gov.au/events.

PREPARATIONS UNDER WAY FOR ASTAP FORUM IN MELBOURNE

Preparations for the 10th Asia-Pacific Telecommunity Standardization Program forum (ASTAP-10) are under way. The forum will be co-hosted by ACMA and the Asia-Pacific Telecommunity (APT) at Rydges, Melbourne, from 26 to 28 October 2005.

A one-day workshop on next generation networks (NGN) standardisation and internet protocol telephony will be held on Tuesday 25 October.

Recognising the substantial amount of work already undertaken globally on NGN, ASTAP will discuss the role it can play in developing regional input into international NGN standardisation activities.

A second workshop will be held during the forum on accessibility and usability issues in standardisation.

The forum will also continue the work of ASTAP's technical expert groups, for example, on radiofrequency identification, disaster management communication systems and NGN.

ASTAP was established in 1998 to promote and coordinate expert activity in telecommunications standardisation across the Asia-Pacific region. The forum and associated workshops will discuss initiatives to strengthen regional collaboration in standardisation.

Around 100 participants are expected to attend the October forum, representing Asia-Pacific countries, companies and international organisations. Representatives of Australian companies with an interest in telecommunications are encouraged to attend.

A registration form for participation in ASTAP-10 is on the APT website at www.aptsec.org/meetings/2005/ASTAP10/ASTAP10_Attendancen-Form.doc.

More details are on the APT website at www.aptsec.org/Program/ASTAP/pastap.html or contact ACMA's International Telecommunications Section by email to itt@aca.gov.au.

ACMA BROADCASTING CONFERENCE 2005

A two-day event to explore change and its regulatory implications

9 AND 10 NOVEMBER HYATT HOTEL CANBERRA

To register for the conference, go to the ACMA website:

www.acma.gov.au/events

where you can also subscribe to receive updates about the conference.

Asia-Pacific Telecommunity Standardization Program

10TH FORUM MELBOURNE 26 TO 28 OCTOBER 2005

The forum will be co-hosted by the Australian Communications and Media Authority and the Asia-Pacific Telecommunity.

A workshop on Internet Protocol Telephony and Next Generation Networks will also be held on 25 October 2005.

MORE INFORMATION: see the APT website at www.aptsec.org/Program/ASTAP/pastap.html or contact ACMA's International telecommunications section, telephone +613 9963 6800 or email itf@aca.gov.au.

REGISTRATION: www.aptsec.org/meetings/2005/ASTAP10/ASTAP10_Attendancen-Form.doc.

VENUE: Rydges Melbourne, 186 Exhibition Street, Melbourne Victoria, Australia.

ACMA OFFICE LOCATIONS

CENTRAL OFFICES

CANBERRA CENTRAL OFFICE

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Fax: 03 9963 6899
TTY: 03 9963 6948

SYDNEY CENTRAL OFFICE

Level 15, Tower 1 Darling Park
201 Sussex Street, Sydney
PO Box Q500, Queen Victoria
Building NSW 1230
Tel: 02 9334 7700, 1800 226 667
Fax: 02 9334 7799

REGIONAL OFFICES

NEW SOUTH WALES REGION (INCLUDING THE CANBERRA, COFFS HARBOUR AND NEWCASTLE OPERATIONS CENTRES)

Level 2, 55 Clarence Street, Sydney
GPO Box 5295, Sydney NSW 2001
Tel: 1300 850 115
Fax: 02 9245 4099
Email: nswro@acma.gov.au

SOUTHERN AUSTRALIA REGION (INCLUDING THE ADELAIDE, HOBART AND WODONGA OPERATIONS CENTRES)

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NORTHERN AUSTRALIA REGION (INCLUDING THE CAIRNS, DARWIN, ROCKHAMPTON AND TOWNSVILLE OPERATIONS CENTRES)

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