



19<sup>th</sup> July 2013

Manager  
Contemporary community safeguards inquiry  
Australian Communications and Media Authority  
By email: [ccsinquiry@acma.gov.au](mailto:ccsinquiry@acma.gov.au)

To the Manager,

**RE: CBAA submission to the Contemporary community safeguards inquiry**

The Community Broadcasting Association of Australia (CBAA) thanks the ACMA for the opportunity to provide comment on the Contemporary community safeguards inquiry issues paper (the Issues Paper).

The CBAA is the national peak body for community radio stations, providing leadership, advocacy and support for our members to facilitate independent broadcasting services and to build and strengthen local communities.

The CBAA has 270 members including fully licenced stations, groups aspiring to hold a permanent broadcast licence and affiliate members.

At present, the CBAA is facilitating the 2013 Community Radio Broadcasting Codes of Practice (the Codes) Review as required under in clause 8.1 of the Codes.

In responding to the Issues Paper, the CBAA has identified several broad concerns and provided answers to questions of relevance to the sector. For further information about this submission contact CBAA Development Manager, Amy Moon on [amoon@cbaa.org.au](mailto:amoon@cbaa.org.au).

Kind regards,

A handwritten signature in blue ink, appearing to read 'Jon Bisset', with a stylized flourish underneath.

Jon Bisset  
General Manager  
Community Broadcasting Association of Australia

The Community Broadcasting Association of Australia (CBAA) thanks the ACMA for the opportunity to provide comment on the Contemporary community safeguards inquiry issues paper (the Issues Paper). In responding to the Issues Paper, the CBAA has identified several broad concerns and provided answers to questions of relevance to the sector.

Many subjects raised in the Issues Paper are well covered by the Community Radio Broadcasting Codes of Practice (the Codes) which has high levels of compliance amongst community broadcasters. There are 376 community radio stations<sup>1</sup> that reach approximately 4.4 million listeners each week and over 10.6 million listeners each month.<sup>2</sup> Considering the diversity and reach of community radio, ACMA Investigations into station compliance with licence conditions and the Codes are relatively rare.

The ACMA conducted 58 Investigations into community radio stations' compliance with licence conditions and the Codes between the 23<sup>rd</sup> of October 2008, when the most recent Codes came into effect, and the 1<sup>st</sup> of July 2013.<sup>3</sup> Of these Investigations, just 17 included a finding that a station had breached the Codes.<sup>4</sup> The majority of findings related to Code 7 (Complaints). Only two Investigations found a breach of Code 3 (general programming), which deals with the majority of issues covered the Issues Paper.<sup>5</sup> This demonstrates compliance with the high standards in the Codes including on issues of decency, accuracy or requirements for Australian music content.

## **The need for specific standards for community radio broadcasters**

Some interventions in the Codes set a different requirement to similar interventions by commercial or public broadcasters. For example, the Codes require stations to play a higher quota of Australian music than other broadcasters. The Issues Paper asks several questions about whether code interventions should be aligned across sectors (questions 31, 89, 111). Responses to these questions give specific reasons why a difference is justified but, as a general principle, the CBAA believes that the Codes should not be altered unless there is broad agreement from the community broadcasting sector to do so or the Codes set a standard that it is difficult or impractical for stations to comply with. Based on the number of Investigations and breaches, the CBAA is confident that this is not the case. The Codes should not be amended because of issues faced by other sectors of the broadcasting industry.

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<sup>1</sup> Includes 282 permanent community licensed stations and 94 TBCLs, as per ACMA 6<sup>th</sup> June 2013 accessed 20<sup>th</sup> June 2013

[http://www.acma.gov.au/~media/Community%20Broadcasting/Information/pdf/lic027\\_current\\_tcbls%20pdf.pdf](http://www.acma.gov.au/~media/Community%20Broadcasting/Information/pdf/lic027_current_tcbls%20pdf.pdf)

[http://www.acma.gov.au/~media/Community%20Broadcasting/Information/pdf/lic035\\_community\\_radio\\_broadcasting\\_licences%20pdf.pdf](http://www.acma.gov.au/~media/Community%20Broadcasting/Information/pdf/lic035_community_radio_broadcasting_licences%20pdf.pdf)

<sup>2</sup> CBAA (2012), *2012 Community Radio Listener Survey*, last accessed 12<sup>th</sup> July 2013:

[http://www.cbaa.org.au/Info\\_For\\_Stations/2012-Community-Radio-National-Listener-Survey](http://www.cbaa.org.au/Info_For_Stations/2012-Community-Radio-National-Listener-Survey)

<sup>3</sup> This figure refers to investigations with a ACMA Investigations with public reports, available at [www.acma.org.au](http://www.acma.org.au)

<sup>4</sup> For cases where stations were Investigated for breaching the Codes but no breach was found see ACMA Investigation Reports 2532 and 2984.

Cases where Codes breaches were found see ACMA Investigation Reports 2969, 2197, 2268, 2269, 2421, 2361, 2550, 2591, 2277, 2543, 2668, 2254, 2432, 2670, 2488, 2261, 2212 available at

<http://www.acma.gov.au/theACMA/acma-i/Investigation-reports/Radio-investigations/radio-operations-investigations-codes-of-practice-compliance-i-acma>

<sup>5</sup> See ACMA Investigations Reports 2969 and 2269.

## Guiding principles for community radio broadcasters

The Issues Paper states that the ACMA wants to explore the core principles that should guide contemporary broadcasting codes of practice.<sup>6</sup> The community broadcasting sector regularly considers core principles in reviewing the guiding principles that underpin the Codes as part of the Codes review process. These guiding principles state that community radio broadcasters will work to:

1. Promote harmony and diversity and contribute to an inclusive, cohesive and culturally-diverse Australian community
2. Pursue the principles of democracy, access and equity, especially for people and issues not adequately represented in other media
3. Enhance the diversity of programming choices available to the public and present programs that expand the variety of viewpoints broadcast in Australia
4. Demonstrate independence in programming as well as in editorial and management decisions
5. Support and develop local arts and music
6. Increase community involvement in broadcasting.<sup>7</sup>

These guiding principles shape the sector's approach to matters of community safeguards.

## Influence: an inappropriate concept for community broadcasting services

Any regulatory intervention needs to consider the needs and nature of community broadcasters. Questions 33, 49 and 91 ask if the concept of influence should affect the calibration of regulatory interventions into accuracy, fairness and vilification and hatred, respectively.

As identified by the ACMA in *Broken Concepts*, the concept of influence is fraught and may place misleading emphasis on certain types of media or providers.<sup>8</sup> The Convergence Review argued that the following should be considered when assessing influence:

1. the degree of control producers have over content
2. the number of users of the content
3. whether providers receive a high level of revenue from producing the content<sup>9</sup>

This criteria places strong emphasis on revenue. The ACMA has also defined influence according to reach and revenue generated.<sup>10</sup> Using this definition, the concept of influence is relevant when assessing commercial services. The CBAA's position is that influence is a less appropriate concept when calibrating regulatory interventions applying to not-for-profit community broadcasting services.

The Australian Government National Compact encourages Government Departments to document and promote the value and contribution of the not-for-profit sector.<sup>11</sup> If the ACMA uses the concept

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<sup>6</sup> ACMA (2013), *Contemporary community safeguards inquiry: Issues paper* p 1.

<sup>7</sup> *Community Radio Broadcasting Codes of Practice*, 23<sup>rd</sup> October 2008, Community Broadcasting Association of Australia, Sydney, p 1.

<sup>8</sup> ACMA (2013), *Broken concepts: A 2013 update on the Australian communications legislative landscape*, ACMA, Sydney p 27.

<sup>9</sup> Convergence Review Committee (2012), *Convergence Review: Final Report*, Commonwealth of Australia, Canberra, p 10.

<sup>10</sup> ACMA (2011), *Broken concepts: The Australian Communications Legislative Landscape*, ACMA, Sydney pp 82-84.

<sup>11</sup> Australian Government (2010), *National Compact*, last accessed 19<sup>th</sup> July 2013

[http://www.notforprofit.gov.au/sites/default/files/documents/national\\_compact\\_web.pdf](http://www.notforprofit.gov.au/sites/default/files/documents/national_compact_web.pdf)

of influence in any regulatory intervention for community broadcasters, it should provide further guidance about the definition of influence as it would relate to a not-for-profit service.

The CBAA prefers that the significance of any broadcast be considered in calibrating regulatory interventions for community broadcasting. Significance would allow for consideration of not just the size but the context and community of interest represented by a service. For example, 34% of all community radio stations are sole providers of local programming in their area which, for local news or information, makes broadcasts relatively more significant.<sup>12</sup>

## Answers to Issues Paper questions

### **Question 1: Are the seven key concepts identified by the ACMA, relevant and useful core principles, in the broadcasting code context?**

The CBAA broadly agrees with the identification of the seven key concepts and matching code interventions. However, two concepts from the ACMA's *Enduring Concepts* paper are not included but are extremely important to community radio broadcasters: diversity of voices and localism.<sup>13</sup> These concepts are described by the ACMA as "cultural values" which relate to "community expectations of standards to be adhered to in media and communications."<sup>14</sup> As such, they are extremely relevant to any discussion about appropriate community safeguards.

Community broadcasting services exist to meet local needs and provide diverse services. This is recognised in the guiding principles outlined above and in the Explanatory Memorandum for the *Broadcasting Services Act 1992*, which states:

*"Community broadcasters differ from other broadcasting services in that they have a local focus and role in attracting local community participation in broadcasting... This third dimension of the broadcasting industry adds to diversity of ownership and programming by reflecting a different range of views, priorities and institutional pressures."*<sup>15</sup>

For the community broadcasting sector, the additional concepts of localism and diversity are extremely important and should be included in any core principles that would impact on the Codes or the ACMA's approach to regulating community radio stations.

### **Question 2: Does the list of code interventions, as it currently stands, omit matters which should be included or include things which should no longer be addressed in broadcasting codes?**

The issues paper does not include interventions relating to Indigenous programming and coverage of Indigenous issues. Appropriate and respectful coverage of Indigenous issues should be regarded as a community safeguard, particularly as it relates to ethical standards and protection of the public.

This is already included in the Codes; Code 4 exists "To acknowledge the unique status of Indigenous peoples as the first Australians and to offer a way to demonstrate respect for their cultures and

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<sup>12</sup> CBOonline, *Snapshot*, last accessed 18<sup>th</sup> July 2013

[http://www.cbonline.org.au/about/facts\\_and\\_figure/snapshot/](http://www.cbonline.org.au/about/facts_and_figure/snapshot/)

<sup>13</sup> ACMA (2011), *Enduring concepts: Communications and media in Australia*, ACMA, Sydney pp 42-50.

<sup>14</sup> *Ibid* p 14.

<sup>15</sup> Explanatory Memorandum, *Broadcasting Services Act 1992* Cth, Part 6.

customs.”<sup>16</sup> We believe this represents best practice for the Australian broadcasting industry and encourage other sectors of the industry to adopt similar measures.

### **Questions 11-13: Decency and the appropriate community standards test**

There is an ongoing need to include code interventions on matters of decency. However, the accepted community standards test in the Issues paper is built on clause 1.3 of the Commercial Radio Code of Practice and is not an adequate tool for Investigations into community radio stations.

Community broadcasters are licenced to represent specific community interests and, as recognised by the ACMA, standards of decency vary across different sections of the community. A community station licenced to represent a religious group will need to meet a different standard compared to a station licenced to represent youth. Any test assessing the decency of content needs to recognise this.

There have been two ACMA Investigations into a breach of Code 3, clause 3.2, the corresponding intervention into decency. In both cases stations had not breached this clause. The findings of the ACMA were based on:

- the community interest (i.e. the specific community interest the station is licenced to represent),
- context,
- degree of explicitness,
- the possibility of alarming the listener,
- the potential for distress or shock,
- prevailing Indigenous laws or community standards, and
- the social importance of the broadcast.<sup>17</sup>

In comparison, the community standards test in the Issues Paper only requires a consideration of subject matter or themes dealt with, tenor or tone, language used and attitudes conveyed in the broadcast.<sup>18</sup> No consideration is given to community interest or context of the broadcast. The current test for community radio stations, as applied in ACMA Investigations Reports 2277 and 2269, is a more effective, appropriate and meaningful test for community radio Investigations.

Similarly, the need to have regard to the demographic characteristics of the audience of a relevant program is only applicable to commercial radio.<sup>19</sup> It is not a requirement in the Codes. Unlike commercial stations, community stations do not have the resources to regularly measure the demographic characteristics of their audiences by program.<sup>20</sup> A more appropriate test for community radio Investigations is to consider the community interest the station is licenced to represent.

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<sup>16</sup> *Community Radio Broadcasting Codes of Practice*, 2008, p 8.

<sup>17</sup> ACMA (2009), *Investigation Report No 2269* (2NVR Nambucca Heads), p 5 last accessed 10<sup>th</sup> July 2013: [http://www.acma.gov.au/webwvr/\\_assets/main/lib310804/2nvr\\_report\\_2269.pdf](http://www.acma.gov.au/webwvr/_assets/main/lib310804/2nvr_report_2269.pdf) and ACMA (2009), *Investigation Report No. 2277* (3TSC Light FM Inc), p 8 last accessed 10<sup>th</sup> July 2013 [http://www.acma.gov.au/webwvr/\\_assets/main/lib310804/3tsc\\_report\\_%202277.pdf](http://www.acma.gov.au/webwvr/_assets/main/lib310804/3tsc_report_%202277.pdf)

<sup>18</sup> ACMA (2013), *Contemporary community safeguards inquiry: Issues paper* p 25.

<sup>19</sup> Commercial Radio Australia (March 2013), *Codes of Practice & Guidelines*, Code 1.3 (b)

<sup>20</sup> Instead, a sector-wide listener survey is conducted every two years, see

[http://www.cbonline.org.au/about/facts\\_and\\_figure/listeners/](http://www.cbonline.org.au/about/facts_and_figure/listeners/)

### **Questions 15-17: Information to listeners about content**

The Codes do not specifically require community radio stations to provide additional information to listeners about content. In meeting clauses 3.2 and 3.4 of Code 3, stations could provide additional information about content, for example, warnings for songs containing explicit language. Station policy, timing of announcements and the context of the program should guide the use of these announcements.

### **Question 19: The ACMA has drawn a connection between ‘protection of children’ and time zone interventions. Do you agree with this connection? Are there other interventions or safeguards that should be included here?**

The CBAA does not object to the connection drawn by the ACMA. The Codes do not contain a time zone intervention but Code 3, clause 3.4 should be included in any discussion of interventions to protect children. The clause states that “We will have programming practices that protect children from harmful material but will avoid concealing the real world from them.”<sup>21</sup> This clause applies at all times. In addition stations, depending on the community interest they represent, may have programming practices in place to further protect children.<sup>22</sup>

### **Questions 28-43: Accuracy**

Code 3, clause 3.6 places accuracy requirements on a broad range of factual material: news, current affairs (including news updates and promotions), documentaries, feature programs and interview. We believe this represents best practice across the broadcasting industry.

This requirement assists stations in meeting the guiding principle to pursue democracy, access and equity, especially for people and issues not adequately represented in other media. There have been no ACMA Investigation Reports into community radio stations breaching Code 3, clause 3.6, indicating that stations have little difficulty meeting the current clause.

Code 3, clause 3.6(b) requires that reasonable efforts are made to correct substantial errors of fact as quickly as possible. This timeliness is an important factor in issuing a correction.

The Codes do not and should not include explicit guidance about the manner and timing of corrections. The remedy required for an error depends on many factors: seriousness, impact, context and the resources of the station (e.g. do they have a website, does the program where the error was made run regularly).

A Codes complaint, rightly, takes time to investigate and, if a breach is found, a correction may not be relevant after the many months it takes to allow for investigation. The CBAA’s position is that one appropriate remedy for a breach of clause 3.6(b), although it has not yet occurred under the current Codes, could require a community station to create a policy about on-air corrections and accuracy or to retrain volunteers about an existing policy.

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<sup>21</sup> *Community Radio Broadcasting Codes of Practice*, 2008, p 6.

<sup>22</sup> For example, Light FM’s programming handbook includes additional guidance about timing for certain content and appropriate announcements, see ACMA (2009), *Investigation Report No. 2277* (3TSC Light FM Inc), pp 4-5 last accessed 10<sup>th</sup> July 2013  
[http://www.acma.gov.au/webwr/\\_assets/main/lib310804/3tsc\\_report\\_%202277.pdf](http://www.acma.gov.au/webwr/_assets/main/lib310804/3tsc_report_%202277.pdf)

### **Questions 44-48, 50-56: Fairness**

The Issues Paper focuses predominantly on commercial and subscription broadcasting codes in discussing fairness interventions but fairness is a prominent feature of the Codes. The CBAA believes a wide range of factual material should be subject to fairness requirements, as is required by the Codes.

Code 3, clauses 3.6(a) and 3.6(e) outline fairness interventions, requiring that licensees provide access to views that are not adequately represented by other broadcasting services and represent viewpoints fairly. Representing viewpoints fairly requires that there is no misleading emphasis, no editing out of context or withholding of relevant and available material. These tests apply to a broad range of factual material including news and current affairs. There have been no ACMA Investigation Reports into these clauses of the Codes.

In the Codes, fairness is not just about providing balance within a news story but looking at a story in context of other media on the topic to provide viewpoints not often portrayed adequately. Although there are many sources of professionally produced content, there is not always a diverse range of views presented, especially in commercial broadcasting. Community broadcasters exist, in part, to present programs that expand the variety of viewpoints broadcast in Australia and to pursue the principles of democracy, access and equity, especially for people and issues not adequately represented in other media.<sup>23</sup>

### **Questions 76-83: Protection of the public – Privacy**

No ACMA Investigation Reports since October 2008 have found a breach of the clauses of the Codes related to privacy requirements. Community radio stations exist to meet their relevant community interest and, through the guiding principles, have committed to promote harmony and diversity. Based on this and widespread public support for rules about privacy<sup>24</sup> it is appropriate that the Codes continue to include privacy protections for the public.

### **Questions 87-90 Protection of the public—interventions designed to address matter that is likely to incite hatred against or vilify**

The CBAA's position is that a code should not replace or be replaced by other legislative protections. Rather, a code acts as a complementary document, one that assists both broadcasters and the public.

The five existing Commonwealth Acts which deal with anti-discrimination offer limited and specific protection of human rights.<sup>25</sup> It is unlikely that a consolidated Human Rights and Anti-Discrimination Bill will be passed in the immediate future and, even then, it would only protect some human rights.

Code interventions dealing with anti-discrimination matters have an important complementary role to play in reinforcing existing human rights obligations and offering alternative and accessible

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<sup>23</sup> See the Guiding Principles, *Community Radio Broadcasting Codes of Practice*, 2008 p 1.

<sup>24</sup> ACMA (2013), *Contemporary community safeguards inquiry: Issues paper* p 58.

<sup>25</sup> Lynch, Philip (2013), "Chapter two: Australia's Human Rights Framework: Can there be action without accountability" in Paula Gerber and Melissa Castan (eds) *Contemporary Perspectives on Human Rights in Australia*, Thomson Reuters, Sydney p 27.

complaints mechanisms should a breach occur. This complementary role can also be seen in how Codes protections reinforce legislative requirements to respect privacy.

The Codes also play an important role in increasing awareness amongst broadcasters about their responsibilities under existing law. Community broadcasters are unlikely to employ lawyers on staff who will be aware of specific legal requirements stations have under the Racial Discrimination Act 1975, Sex Discrimination Act 1984, Disability Discrimination Act 1992 and Age Discrimination Act 2004. The Codes give stations a summary of relevant obligations for general programming.

The Codes contain a different requirement on matters of hatred and vilification compared to similar interventions from other sectors of the broadcasting industry. Community radio stations do not struggle to meet this requirement. The ACMA has found one breach of Code 3, clause 3.3 since October 2008.<sup>26</sup> The CBAA believes a different requirement is appropriate given the purpose of community radio in promoting diversity and meeting the guiding principle of promoting harmony and diversity and contributing to an inclusive, cohesive and culturally-diverse Australian community. The requirements and tests in the Codes should not be aligned with the sector if it means lowering the high standards community radio is proudly meeting on matters relating to inciting hatred or vilification.

#### **Questions 94-96: Protection of the public—emergency information**

Broadcasting emergency information remains important to community radio stations and the communities that they serve. This is especially the case for stations in regional areas where there are no local commercial or public broadcasters.

#### **Case study**

Radio Dungog is the only radio station based in the Dungog Shire in NSW. Local news and information is rarely broadcast by commercial or public stations based in Newcastle (85-100kms away). During severe weather events in early 2013, Radio Dungog worked with the State Emergency Service to provide locally relevant emergency announcements about road closures and flood heights. Partially because of the importance of reaching the community in times of natural disaster, Radio Dungog is looking to relocate its transmission facilities and upgrade equipment so it can reach the whole of Dungog Shire. It is doing so with the support of the local Shire and emergency service organisations.<sup>27</sup>

While social media is growing in importance in emergency situations, radio stations are still an essential source of information especially in areas where mobile reception is poor or situations where severe weather affects mobile towers. It is important that contemporary codes of practice include interventions on this matter because of the potential damage incorrect emergency broadcasts could cause. The Codes assist broadcasters to build links with emergency service organisations and better meet the needs of their local community.

<sup>26</sup> See ACMA (2013), *Investigation Report No. 2969 (7RGY)*, last accessed 12<sup>th</sup> July 2013

<http://www.acma.gov.au/theACMA/radio-operations-tas-community-radio-investigations>

<sup>27</sup> Dungog Chronicle, 17<sup>th</sup> June 2013, "Radio Dungog spreads its coverage", last accessed 20<sup>th</sup> June 2013 <http://www.dungogchronicle.com.au/story/1577620/radio-dungog-spreads-its-coverage/>, also based on information provided directly to CBAA from Radio Dungog.



### **Questions 103-106: Australian Identity**

There is strong support from community radio stations for the continued regulation of minimum quotas for Australian music. The Australian Music Radio Airplay Project (Amrap) is a service that assists community broadcasters in discovering and broadcasting Australian music. Since 2009, Amrap has facilitated a 5% rise in Australian music airplay on community radio nationally, to a new average of 37%.<sup>28</sup>

Current quotas in the Codes apply to analog and digital broadcasts and should continue to do so. Community radio stations play Australian music not just to meet these quotas but also to meet the needs of their local community. In this way, the relevant Codes intervention also relates to localism.

### **Question 108: The ACMA has drawn a connection between ‘Redress’ and complaints-handling. Do you agree with this connection? Are there other interventions or safeguards that should be included here?**

Redress is only relevant to complaints-handling when a complaint is upheld. Due process combined with effective and accessible avenues for complaints are more relevant to complaints handling.

### **Questions 109-110:**

- **What is the level of general awareness of the complaints-handling avenues?**
- **What is effective and accessible information about complaints-handling avenues?**

Community radio stations do not have the resources to conduct specific research into listener awareness of complaints handling. Anecdotally, there is a fair level of awareness of complaints-handling avenues. Stations are required to broadcast at least one on-air announcement each week that contains information about the Codes and where listeners can source a copy.<sup>29</sup> Appendix 8 of the Codes gives an example of a complaints policy for stations to adopt. A station’s complaints policy, along with all other policy documents, must be freely available.<sup>30</sup>

### **Question 111: Is there a case for consistency across sectors in relation to core requirements on both the complainant and the respondent in terms of timing, form etc**

The CBAA strongly supports the 60 day response period for complaints handling for the community broadcasting sector. Community radio stations must respond to a complaint within 60 days of receipt while commercial or public broadcasters have 45 or 30 days.<sup>31</sup> The 60 day response period is appropriate and necessary when the resources of the community radio sector are taken into account.<sup>32</sup>

Looking at the small number of ACMA Investigations into Codes compliance, complaints handling emerges as the Code most stations need assistance with to meet. Since October 2008, 12 ACMA Investigations have found instances of stations breaching Code 7 (complaints). Frequently, the

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<sup>28</sup> See <http://www.amrap.com.au/>

<sup>29</sup> *Community Radio Broadcasting Codes of Practice*, 2008, Code 1, clause 1.7.

<sup>30</sup> *Ibid*, Code 2, clause 2.4.

<sup>31</sup> ACMA (2013), *Contemporary community safeguards inquiry: Issues paper* p 78.

<sup>32</sup> Further guidance on this might be found in the soon-to-be-released Code of best practice for engagement with the not-for-profit sector, see <http://www.notforprofit.gov.au/content/code-best-practice-engagement-not-profit-sector-0>

investigations process can lead to positive outcomes for under-resourced stations, helping them to develop better policies or focus volunteer training to comply with the Codes.<sup>33</sup>

Community broadcasters face financial, time and human resourcing constraints necessitating a longer response period. Many commercial radio stations employ at least one full-time staff member to deal with complaints. This staff member is likely to have legal training or access to legal advice. In comparison, the community broadcasting sector is volunteer-based with 41% of community radio stations employing no paid staff and all stations governed by a volunteer board.<sup>34</sup>

Volunteers make an enormous contribution to the community broadcasting sector, contributing approximately 77,200 hours of work each week, but skill levels vary.<sup>35</sup> It is extremely unlikely that stations will have in-house legal counsel. While community radio broadcasters strive for high standards of good governance, volunteer turn over at a board level can be frequent.

The best way to meet the needs of both volunteers governing a station and to provide complainants with a thorough response is a 60 day response period. Any reduction in the required response period would lead to a decrease in the number of complaints successfully resolved at station level.

**Question 112: What should constitute a valid complaint? For example, within what period of a program should complaints have to be made? How much information should the complaints have to contain? Should the complainant have to have seen or heard the broadcast they are complaining about?**

There is an important distinction between a complaint and feedback. Because of the human resource constraints experienced by the sector, community radio stations should only have to issue formal responses to valid complaints relevant to Codes compliance or licence conditions. CBAA's position is that stations should be able to respond to feedback in a manner appropriate to their resourcing.

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<sup>33</sup> For example, see ACMA (2013), *Investigations Report 2984 (Tribe FM Inc)*, last accessed 12<sup>th</sup> July 2013 <http://www.acma.gov.au/theACMA/radio-operations-sa-community-radio-investigations>

<sup>34</sup> CBOonline (2011), *Station Census*, question 601, last accessed 12<sup>th</sup> July 2013 <http://www.cbonline.org.au/census/>

<sup>35</sup> CBOonline (2011), *Community Broadcasting Station Census public report*, p 4, last accessed 12<sup>th</sup> July 2013 <http://www.cbonline.org.au/wp-content/uploads/2012/04/Public-report-station-census-2.pdf>