

Community Radio Broadcasting Codes of Practice

DRAFT

September 2023



We broadcast on land that has belonged to First Nations peoples for more than 65,000 years. Our voices travel the airwaves over Country steeped in the stories, songs, and traditions of more than 500 nations. We acknowledge and honour the Traditional Custodians of these nations and pay our deepest respect to Elders past and present.

Some of us are the descendants of the first people to set foot on this land. Some of us came much later by boat and by plane. Together we acknowledge our gratitude that we share this land today and our sorrow for the costs of that sharing. We hope and believe that we can move to a place of equality, justice, and partnership together.



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Introduction

Millions of listeners across Australia tune in to community radio each week. We play a vital role in the Australian media ecosystem, providing a voice for communities that are underserved by commercial and public broadcasters.

We are community driven. We provide opportunities and encourage participation. We have grown to be Australia's largest independent media sector but have retained our grassroots base.

We are incubators for creative talent and diverse skills. We develop, mentor and nurture workers in broadcasting, management, marketing, media, networking, community building and Governance.

We generate local content. We produce hyperlocal news and public interest journalism. In some regions we are the only source of local news.

We support our communities through emergencies and recovery. We deliver information and alerts in language and in a community-appropriate way.

We support creative industries and enhance Australia's cultural vibrancy and social wellbeing. We champion Australian music and are a launchpad for Australian composers, songwriters, performers, and producers.

We promote the identities of local communities and contribute to social inclusion. We strengthen Australia's democracy by sharing diverse content from diverse and underrepresented communities – including First Nations communities, communities in regional and remote Australia, culturally and linguistically diverse communities, faith-based communities, youth, and seniors' communities, the LGBTIQ+ community and people with a disability.

In doing so we promote the diverse identities of Australians and enrich the social and cultural fabric of Australian society.



How the Codes work

Our sector is regulated by the *Broadcasting Services Act 1992* (the BSA), which establishes a co-regulatory framework that sets out how the Community Radio Broadcasting Codes of Practice (the Codes) are developed and enforced. The Codes are made by our sector, for our sector, in consultation with the Australian Communications and Media Authority (ACMA). The Codes do not replace the BSA, they are complementary, and we are legally obliged to comply with both the BSA and the Codes.

The ACMA registers the Codes and enforces compliance with the Codes including being an escalation point for unresolved Code Complaints. Code Complaints should first be addressed to us and dealt with in accordance with our complaints and disputes policy or procedure. Complaints about alleged breaches of licence conditions, or the BSA may be addressed to us or go directly to the ACMA. The ACMA does not have a role in the complaint or dispute resolution process for Internal Complaints and Disputes.

The Community Broadcasting Association of Australia as the sector organisation representing the majority of Licensees is responsible for coordinating a periodic review of the Codes.

Need help?

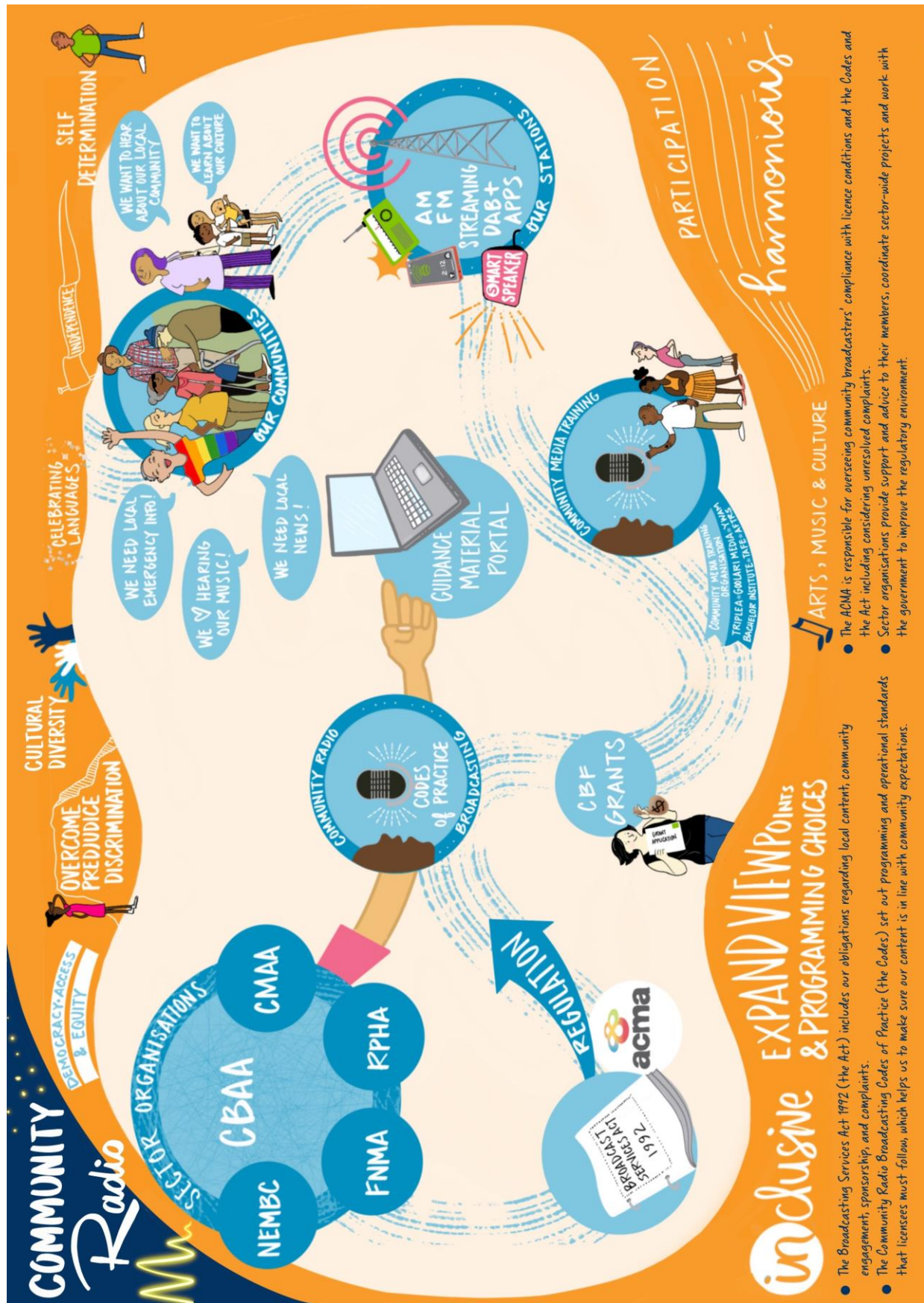
Resources to help community broadcasters understand and comply with the Codes, the BSA and other relevant legislation are available at: [X](#).

NOTES ON READING THE CODES

- The Community Radio Broadcasting Codes of Practice are numbered and set out under headings, Code 1-10. The introduction, the Guiding Principles, and the italicised text before and boxed text after each Code do not form part of the enforceable obligations under each code.
- The terms “we” and “our” refer to community radio broadcasters allocated a community broadcasting licence.
- The term “workers” has been used to encompass all the people who work at a community broadcaster in any capacity, whether paid or unpaid (volunteers, employees, contractors etc).
- The Other Legislative Matters box highlights key obligations from the *Broadcasting Services Act 1992* and other legislation, however please be aware that the box is not comprehensive and we must comply with all relevant legislative requirements.



Our Sector



Glossary

| Term | Acronym | Description |
|---|-----------|--|
| Australian Communications and Media Authority | ACMA | An independent Commonwealth statutory authority responsible for regulating communications and media services in Australia. |
| Australian Charities and Not-for-profits Commission | ACNC | The regulator of charities that registers and regulates the Australian not-for-profit sector. |
| ACNC Governance Standards | | A set of core, minimum standards relating to charity governance including processes, activities and relationships, which can be accessed on the ACNC website. |
| Broadcasting Services Act 1992 (Cth) | BSA | Legislation that sets out the regulatory environment for broadcasting industry in Australia, including community broadcasting. |
| Code Complaint | | A complaint that a station has breached a provision of the Community Radio Broadcasting Codes of Practice. |
| Community Broadcasting Association of Australia | CBAA | The peak body and national representative organisation for community broadcasting organisations. |
| Community Radio Broadcasting Codes of Practice | The Codes | Programming and operational standards for community broadcasters. |
| Co-operatives | | Member-centred business structures that are legally incorporated and designed to serve the interests of members, which may be profit sharing or non-profit organisations. |
| Co-operatives National Law (CNL) | | The legislation for all co-operatives across Australia establishing a nationally consistent approach to the regulation and control of co-operatives |
| Corporations Act 2001 (Cth) | | The principal legislation that regulates businesses, primarily companies, in Australia, including their formation and operation , officer duties, takeovers and fundraising. |
| Corporations (Aboriginal and Torres Strait Islander) Act 2006 | CATSI Act | Legislation which establishes the role of the Registrar of Indigenous Corporations and provides for a special form of incorporation for Aboriginal and Torres Strait Islander organisations. |
| Deductible Gift Recipient | DGR | A deductible gift recipient is an organisation that can receive donations that are tax deductible. |



| | | |
|---|--|---|
| Feedback | | Suggestion and comment about a station's content and services that is not a Code Complaint or Internal Complaint or Dispute, and does not relate to a breach of a licence condition or the <i>Broadcasting Services Act 1992</i> . |
| Guiding Principles | | The principles that unite and direct community broadcasters' decision making. They are not an enforceable part of the Codes of Practice. |
| Governance | | The framework of rules, relationships, systems and processes within and by which authority is exercised and controlled in corporations, and ways in which they are held to account, including ethics, risk management, compliance and administration. |
| Independent Mediator | | Mediation is a confidential discussion between parties in a dispute. An independent mediator assists the parties to identify and assess options and negotiate an agreement to resolve their dispute. Mediation is an alternative to a judge imposing a decision on the parties. |
| Incorporated Association Legislation | | The legislation which provides non-profit associations with a way to incorporate and become a legal entity distinct from any individual member of the organisation. |
| Internal Complaint or Dispute | | A complaint or dispute relating to the internal affairs of a station. |
| Licensees | | Community broadcasting licence holders that provide community broadcasting services on a not-for-profit basis and meet a purpose identified for the local community. |
| Licence Condition | | Mandatory requirements in a community broadcasting licence. |
| Material of Local Significance | | As defined in the <i>Broadcasting Services Act 1992</i> , 'Material of Local Significance' is hosted in our licence area, or produced in our licence area, or relates to our licence area. |
| Ombudsman | | An impartial investigator usually appointed by government to investigate complaints and resolve them through mediation and recommendations. |



Guiding Principles

Community broadcasters are united by a set of Guiding Principles:

We pursue the principles of democracy, access and equity, especially for people and issues not adequately represented in other media.

We are committed to the self-determination of First Nations peoples.

We reflect an inclusive Australia by supporting and celebrating culture and languages and promoting harmony and diversity.

We work to overcome prejudice and discrimination.

We enhance the diversity of viewpoints and programming choices available in Australia.

We are independent and community controlled.

We support and nurture local arts, music and culture.

We encourage and increase community engagement and participation in broadcasting.



1

This code outlines how the Codes are applied.

CODE 1: Application

- 1.1 This Code applies to all community broadcasters allocated a community radio broadcasting licence.
- 1.2 We must comply with the Code, but a failure to comply will not be a breach of the Code provided that the Licensee took reasonable precautions and exercised due diligence, and the non-compliance was:
 - a) in respect of a minor, peripheral, incidental or trivial matter; or
 - b) due to an act or failure to act of another person which was outside of the Licensee's control, or an accident, technical/engineering issue, or some other cause which was outside the Licensee's control.
- 1.3 We will broadcast an on-air announcement at least once a week that contains information about the Codes, a short description of matters covered by the Codes and where listeners can get a copy. A copy of the Codes will also be made accessible via our website (or via our social media page if no website exists).
- 1.4 The Codes will be regularly reviewed either in part or as a whole to ensure that they provide appropriate content safeguards in line with community expectations.



2

We set up and maintain Governance systems and processes to meet the requirements set out in Code 2 and our legal and regulatory obligations, in accordance with good Governance principles.

CODE 2: Governance

- 2.1 We must have in place, abide by, and regularly review key Governance documents including:
- a) our constitution, or equivalent Governance document;
 - b) Governance policies.
- 2.2 We must ensure that the Governance documents listed at 2.1 and our annual reports, including annual financial statements are freely available (e.g., via our website, social media page, regulator's website.)
- 2.3 We will have training in place to ensure that everyone is aware of their Code and legal obligations.

Other Legislative Matters

- We do not operate for profit or as part of a profit-making enterprise.
- We may make a surplus, if it is only used to benefit or improve our broadcasting service.
- Aside from broadcast regulation, there are other important legal requirements community broadcasters must follow, such as keeping a register of financial members.
- If a community broadcaster is a charity registered with the Australian Charities and Not-for-profits Commission (ACNC), it must abide by their Governance Standards.
- Dependent on its organisation type, community broadcasters must abide by:
 - State or territory Incorporated Association Legislation;
 - Co-operatives National Law;
 - The *Corporations Act 2001*;
 - The *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.



3

We engage with our community to ensure our programming decisions best reflect and serve the community interest that we represent. We provide access to media for communities not adequately served by mainstream media and contribute to Australia's media diversity.

CODE 3: Diversity, Independence and Our Community

- 3.1 We must be able to demonstrate our understanding of our community interest.
- 3.2 The programs we broadcast must, collectively, reflect the needs and diversity of our community interest including through the provision of Material of Local Significance.
- 3.3 We must encourage and assist people in our community, including those who are not adequately served by other media, to participate in providing our service, prioritising the discussion of topics by those with relevant lived experience.
- 3.4 We keep our community interest informed of how community suggestions and participation are reflected in our activities and programming.
- 3.5 When complying with Code 3, we must have regard to our First Nations Engagement and Programming obligations under Code 7.

Other Legislative Matters

- We encourage members of the community we serve to participate in our operations and in the selection of and provision of programs under our licence.
- We continue to represent the community interest we represented at the time our licence was allocated or last renewed.
- As defined in the *Broadcasting Services Act 1992*, Material of Local Significance is hosted in our licence area, or produced in our licence area, or relates to our licence area.
- In our activities and behaviour, we ensure that people are given the same opportunities as others in similar situations and oppose discrimination on the basis of age, disability, sex, gender identity, intersex status, sexual orientation, race, nationality, colour, national or ethnic origin, or immigrant status.



4

We meet community expectations for content safeguards and follow the advice of experts and community leaders when broadcasting material that may be sensitive to some communities.

CODE 4: Material not suitable for broadcast

4.1 We will not:

- a) simulate news or events in such a way that is likely to mislead or alarm listeners;
- b) present as desirable the use of illegal drugs, the misuse of tobacco or alcohol as well as other harmful substances;
- c) promote or encourage harmful or excessive gambling;
- d) promote gambling, gambling information (other than prevention or support information) or gambling live odds immediately before, during, or immediately after sporting events;
- e) broadcast material that is likely to be harmful to children, without giving reasonable warning;
- f) present suicide as a solution to problems or broadcast details about suicide like method or location;
- g) broadcast material that is likely to incite or encourage, or present for their own sake, violence, or brutality; or
- h) broadcast material that expresses, provokes, or perpetuates hatred, serious contempt or significant ridicule of any person or group of persons because of age, disability, mental ill-health, medical conditions, sex characteristics, gender identity or expression, sexual orientation, race, nationality, culture, religion or being from a lower socio-economic community.

4.2 The application of 4.1 is guided by the context of the material. Material that is likely to cause harm and offence must be justified by context, and adequate protective measures provided. Code 4.1 does not prevent the legitimate presentation of factual material, a fair report of, discussion or a fair comment on, a matter of public interest or material that is humorous, satirical, artistic or dramatic in nature. When assessing context, including in relation to the assessment of complaints, factors to be considered will include the nature of the content including its genre, subject matter and editorial purpose, the service on which the content is broadcast, reasonable audience expectations and the reasonable sensitivities of the anticipated audience.

Privacy

4.3 We will not broadcast the words of an identifiable person or material that relates to a person's personal or private affairs or invades a person's privacy or intrudes into their private life, unless:

- a) there is a clear public interest reason for the material to be broadcast; or
- b) the person has provided implicit or explicit consent for the material to be broadcast (or in the case of a person under 16, a parent or guardian has given implicit or explicit consent).

4.4 We will exercise special care before using material relating to a child's personal or private affairs in the broadcast of a report of a sensitive matter concerning the child.



5

Our reporting of news and journalistic content is based on principles of independence, transparency, accuracy, and fairness. We provide access to views not adequately represented by other broadcasting sectors and build trust in community radio journalism as a source of quality news and journalistic content.

CODE 5: News and Journalistic Content

5.1 In broadcasting news and journalistic content we must:

a) provide access to perspectives not adequately represented by other broadcasting sectors;

b) ensure that:

i. all factual material is presented accurately; and

ii. all News Content is presented with due impartiality, having regard to the nature of the program, its intended audience, the contentiousness of the material and the community we represent;

News Content means the news content in a news bulletin, newsbreak, news update, news flash or a news program.

c) source and present a diversity of voices and viewpoints with fairness, and aim to be representative of the diversity of our community;

d) where practical, include the voice of those with relevant lived experience;

e) clearly distinguish factual material from analysis, commentary or opinion, comedy, satire, and any other kind of fictional entertainment content;

f) exercise special care when reporting on contentious or controversial matters where facts may be contested and not settled and avoid the amplification of misinformation and disinformation;

Misinformation is verifiably false, misleading, or deceptive information that has the potential to cause serious harm to the community and/or individuals, including disinformation, which is misinformation created and/or broadcast with malicious intent.

g) not present material in a way that is likely to create public panic or cause serious distress to reasonable listeners;

h) provide correction or clarification of significant errors of material fact in a timely manner;

i) ensure our journalists identify themselves and our organisation before proceeding with an interview;

j) avoid or adequately disclose any conflict of interest, and any such conflict must not influence the content of a broadcast.

Other Legislative Matters

- We must keep a record for 6 weeks of programs we broadcast that relate to a political subject or current affairs in the form of news, an address, a statement, a commentary, or a discussion.



6

We play a critical role in providing emergency warnings, vital health alerts and other emergency information, particularly to communities underserved by commercial and public broadcasters.

CODE 6: Emergency Information

6.1 Where we offer emergency broadcasts, we will have procedures in place to enable appropriate local emergency broadcasts.

6.2 Where we offer emergency broadcasts to the community, those broadcasts must include:

- a) accurate, reliable, and timely factual information; and
- b) locally relevant information, to the extent possible.

6.3 Where practical, we try to provide emergency broadcasts in the main languages other than English spoken in our local area.

Other Legislative Matters

- In Victoria, official emergency broadcasters have additional requirements.
- The Government may require us to broadcast items of national interest or make use of our facilities if an emergency arises.



7

We recognise First Nations peoples as the Traditional Custodians of this land. We work towards reconciliation, by promoting and facilitating respect, trust and positive relationships between First Nations peoples and the wider Australian community.

CODE 7: First Nations Engagement and Programming

- 7.1 We will demonstrate respect and cultural sensitivity for First Nations cultures, histories, knowledge, rights, and experiences in our work and in all programs broadcast.
- 7.2 We will strengthen relationships with local First Nations people and organisations.
- 7.3 We will include First Nations people or organisations in the planning and production of content about or affecting First Nations peoples, and seek advice on:
 - a) using appropriate language, preferred terminology, and correct pronunciation.
 - b) observing cultural protocols
 - c) respecting bereavement practices in content about people who have recently died;
 - d) ensuring the consideration of regional differences in protocols, practices, experiences, and perspectives of First Nations communities; and
- 7.4 We will prioritise First Nations voices when reporting on or discussing First Nations issues.
- 7.5 We seize opportunities to celebrate First Nations peoples and stories recognising the important role community media plays in truth-telling and reconciliation.



8

We support and nurture the Australian music industry and provide opportunities for local artists to showcase their work.

CODE 8: Australian Music

- 8.1 Of all music programming, we must broadcast at least 25% Australian music, except community broadcasters representing an ethnic or fine music community.
- 8.2 Community broadcasters representing an ethnic or fine music community must broadcast at least 10% Australian music of all music programming.
- 8.3 The requirements in this Code are calculated as a percentage of all music played over a calendar month and do not include music used in sponsorship announcements or station and program promotions.



9

We do not allow commercial considerations to undermine accuracy, fairness, or independence.

CODE 9: Sponsorship

- 9.1 Our editorial decisions about the content and style of news and journalistic content, individual programs and overall programming must not be influenced by sponsors.
- 9.2 Sponsorship will not be a factor in deciding who can access broadcasting time.
- 9.3 Code 4 also applies to sponsorship announcements.

Other Legislative Matters

- We must broadcast no more than 5 minutes of sponsorship announcements in any one hour.
- We must tag each sponsorship announcement to acknowledge the financial or in-kind support of the sponsor.
- We broadcast no advertisements. Accidental or incidental broadcasting of material that has an advertising character is permitted if it is not paid for in cash or in-kind.
- Community information material or community promotional material is not taken to be the broadcasting of an advertisement.



10

We value complaints as an opportunity for continuous improvement and are committed to providing a safe and effective service to those who wish to make a complaint about us.

CODE 10: Complaints and Disputes

- 10.1 We must ensure complaints are handled fairly, objectively, and confidentially in a timely manner.
- 10.2 We will have a complaints and disputes policy and procedure that clearly set out the different ways to deal with:
 - a) Feedback;
 - b) Code Complaints
 - c) Internal Complaints and Disputes; and
 - d) complaints that are about a breach of a Licence Condition or the *Broadcasting Services Act 1992*.
- 10.3 We must provide clear and prominent information about making a complaint which includes a direct link to a complaints section on our website (or social media platform if no website exists).
- 10.4 People making complaints will be:
 - a) listened to, treated with respect by our workers and actively involved in the complaint process where possible and appropriate; and
 - b) provided with reasons for our decisions.
- 10.5 We must keep a record of complaints and our responses for at least 24 months from the date of the complaint. Records will include:
 - a) the outcomes of the complaint including whether it or any aspect of it was substantiated or dismissed under 10.5;
 - b) any recommendations made to address problems identified;
 - c) any decisions made on those recommendations; and
 - d) any outstanding actions to be followed up, including analysing any underlying causes.
- 10.6 We will keep a recording of any programs that are the subject of a complaint for 60 days after the complaint is lodged.
- 10.7 We will keep any material the ACMA has asked us to keep for the length of time specified by the ACMA.
- 10.8 We are not required to resolve a complaint that:
 - a) is frivolous, vexatious, or an abuse of the complaints process;
 - b) is offensive or vulgar;
 - c) is the second or later complaint in a series of complaints from a single person about the same issue; or
 - d) is Feedback, or expressly indicates that a response is not required.
- 10.9 A failure to comply with a Code will not be a breach of the Code if the station has, prior to the complaint being made to ACMA, taken steps which were adequate and appropriate in all the circumstances to redress the cause of the complaint.



Code Complaints

10.10 Complaints that we have breached these Community Radio Broadcasting Codes of Practice, should first be addressed to us and will be dealt with in accordance with our complaints and disputes policy or procedure.

10.11 We will acknowledge receipt of Code Complaints promptly in writing.

10.12 Code Complaints must:

- a) be received within 30 days of the relevant broadcast, if about material broadcast;
- b) be made via email or letter or by filling in a form;
- c) contain the name and contact details of the complainant;
- d) include sufficient detail of the complaint (e.g., date, time, program, and description of the material, which Code alleged to be breached);

10.13 We will reply to Code Complaints in writing as soon as is practicable, and at the latest, within 60 Days of the receipt of the complaint. Our reply will respond to the concerns raised in the Code Complaint and inform the complainant of their right to refer the complaint to the ACMA if they are unsatisfied with our response.

Internal Complaints and Disputes

10.14 The ACMA does not have a role in the complaint or dispute resolution process for Internal Complaints and Disputes.

10.15 Internal Complaints and Disputes must be dealt with in accordance with our complaints and disputes policy or procedure.

10.16 Our Internal Complaints and Disputes policy and procedure will:

- a) where practical, include the option to consider using an Independent Mediator to assist in resolving the dispute, where an agreement or compromise cannot be reached.
- b) direct us to any internal or external review options available to complainants (including any relevant Ombudsman or oversight regulatory bodies e.g., the ACNC).

Complaints about a breach of a Licence Condition or the *Broadcasting Services Act 1992*

10.17 Complaints that are about a breach of a Licence Condition or the *Broadcasting Services Act 1992* may be addressed to us or go directly to the ACMA. If addressed to us, we will acknowledge receipt promptly in writing.

Compliance

10.18 A failure to comply with a Code will not be a breach of the Code if the station has, prior to the complaint being made to ACMA, taken steps which were adequate and appropriate in all the circumstances to redress the cause of the complaint.

Other Legislative Matters

- We must respond adequately within 60 days of receiving a complaint about compliance with the Codes of Practice or the complainant may make a complaint to the ACMA about the matter.
- If a complainant believes we have breached a condition of our licence or failed to comply with our *Broadcasting Services Act 1992* requirements, the person may make a complaint to the ACMA about the matter.
- We must keep a record of matters relating to a political subject or current affairs for 6 weeks from the date of broadcast, or 60 days if a complaint about the matter is received.

