



COMMUNITY  
BROADCASTING  
ASSOCIATION OF  
AUSTRALIA

# What We Heard Report

## Community Broadcasting Codes of Practice

September 2023

## Acknowledgment of Country

The CBAA acknowledges the Gadigal people of the Eora Nation, Traditional Owners of the land on which CBAA staff work. We pay our respect to Elders past and present.

We pay our respects to all Aboriginal and Torres Strait Islander cultures and recognise their continuing connection to lands, waters and communities. We recognise the vital role First Nations and community media play in truth-telling and reconciliation.



'Will Tower', a painting by Koori artist and 2022 Archibald Winner Blak Douglas, was commissioned to accompany CBAA's Acknowledgment of Country.

## About this report

This report summarises what we heard during public consultation and identifies the key changes which have been made to the draft Codes.

We received valuable feedback from community media organisations, individuals and sector bodies. The majority of respondents expressed support for the draft Codes.

Thank you for having your say and developing the Codes of Practice to help shape the future of community broadcasting.

The Community Broadcasting Association of Australia (CBAA) exhibited the draft Codes from 27 October 2022 to 15 December 2022. The documents that were exhibited were:

- Draft Community Broadcasting Codes of Practice
- Explanatory Material

## Feedback summary

**9 of 10 draft Codes** on exhibition received **over 90% approval or approval with minor changes**

**7 of 8 draft Guiding Principles** on exhibition received **over 90% approval or approval with minor changes**

**16 of 18 draft Guiding Principles and Codes** put out for consultation received **over 90% approval or approval with minor changes**

## The Review of the Community Broadcasting Codes of Practice

Community broadcasters promote the diverse identities of Australians and enrich the social and cultural fabric of Australian society. The community broadcasting sector plays a critical role in providing a voice for Australian communities that are underserved by mainstream media.

As the sector organisation representing the majority of licensees, the CBAA is obligated to coordinate a periodic review of the Codes to reflect changing community standards and remain relevant in the contemporary media environment. It is hoped that the revised Codes will be clearer, more flexible, and less onerous for stations to comply with.

For compliance purposes, obligations in the Codes must be clearly assessable and enforceable. Where possible, the requirements set out in the current Codes have been worded more openly to better enable stations to meet their communities' needs in the way that works best for them.

## Public consultation snapshot

The draft Codes were placed on exhibition from 27 October 2022 to 15 December 2022. During the public exhibition period we undertook a range of engagement activities that included:

- a webinar for community broadcasting stations
- a session at the CBAA Conference 2022
- a session at the FNMA Conference 2022

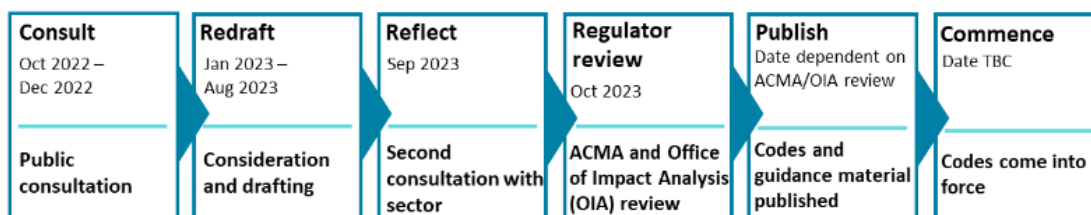


Image 1: Public consultation timeframe for the Codes of Practice

## Submissions analysis

We received submissions from community media organisations, sector bodies and organisations and individuals. We reviewed each submission individually and considered all information in our review. The views and information provided in submissions helped inform the changes we made to the Codes and are summarised in this document.

**A total of 71 submissions were received:**

- 43 responses from community media organisations
- 7 sector bodies and organisations
- 21 from individuals

57 responses were received via online survey, 13 were received by email and 1 submission was submitted via phone conversation.

Feedback concluded the redrafted Codes are clearer and more user friendly than the current Codes (Published in 2008).

## Key feedback themes

Overall	Respondents found the draft Codes to be clearer, more user friendly, simpler to understand, relevant, flexible and reflective of current community standards.
Diversity and independence	Concern was raised that the emphasis on the sector's independence, diversity and role in providing access to views not adequately represented in mainstream media had been lost.
Publishing documents online	Concern was raised over the requirement for stations to publish documents online: some were concerned over the administrative burden and others felt there may be privacy implications.
Protection against discrimination	Concern was voiced over the need to balance protections for freedom of expression with the best possible protection against discrimination and vilification.
Impartiality	Concern was raised about the requirement of 'impartiality' in the News and Journalistic Content Code.
Complaints and disputes	Concern was raised about the importance of distinguishing feedback from complaints. Some respondents also expressed concern that the requirement to consider an independent mediator and
Need for guidance material	The need for thorough guidance material has been flagged where respondents expressed a need for clear advice on how to demonstrate compliance with the Code.

## Note on reading this report

To avoid this report being overly long, please note that it only includes the previous draft wording at the time of the public consultation. This is the draft wording which respondents were asked to give feedback on. The revised draft wording incorporating feedback has been made available alongside this report in the document titled **Revised Draft Community Radio Broadcasting Codes of Practice**. This report is designed to be read in companionship with the **Revised Draft Community Radio Broadcasting Codes of Practice**.

## The Draft Guiding Principles

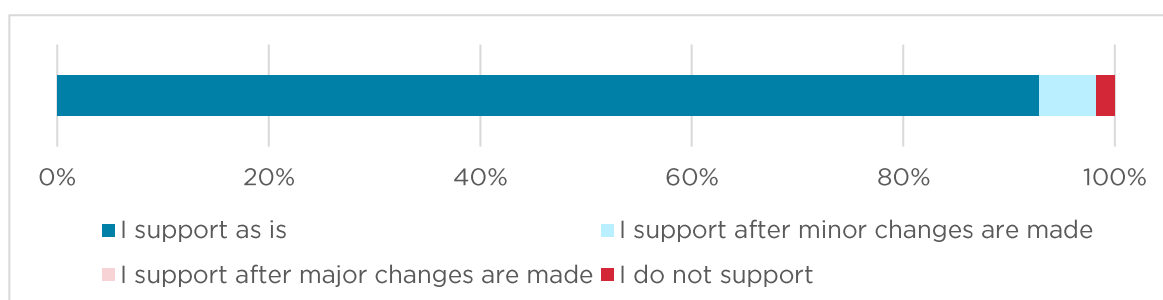
The draft Guiding Principles were exhibited with the Codes and received feedback during consultation. Stations welcomed the draft Guiding Principles as positive statements that have been updated as a reflection of contemporary community standards. Respondents felt the draft principles retained and strengthened the current Guiding Principles and expressed support for their new framing in active language.

### Guiding Principle 1

#### Previous Draft

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

93% of respondents support the draft guiding principle as is.



#### What you told us and how we have responded:

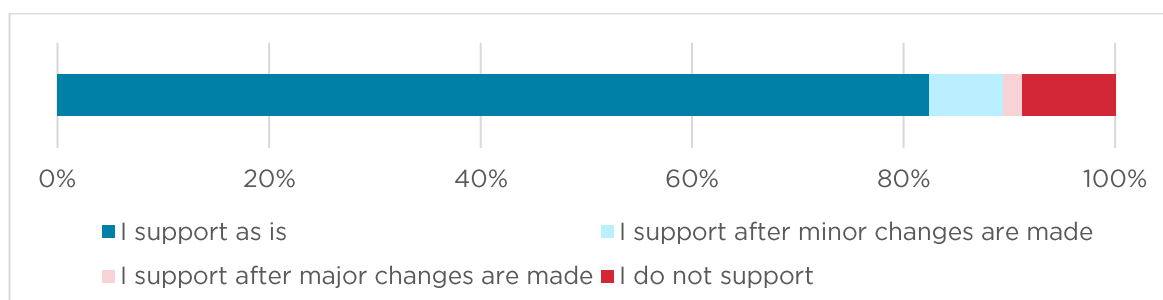
The original drafting was well supported so we have made no changes to the language of this Guiding Principle.

### Guiding Principle 2

#### Previous Draft

We are committed to the self-determination of Aboriginal and Torres Strait Islander peoples.

82.5% of respondents support the draft guiding principle as is.



#### What you told us and how we have responded:

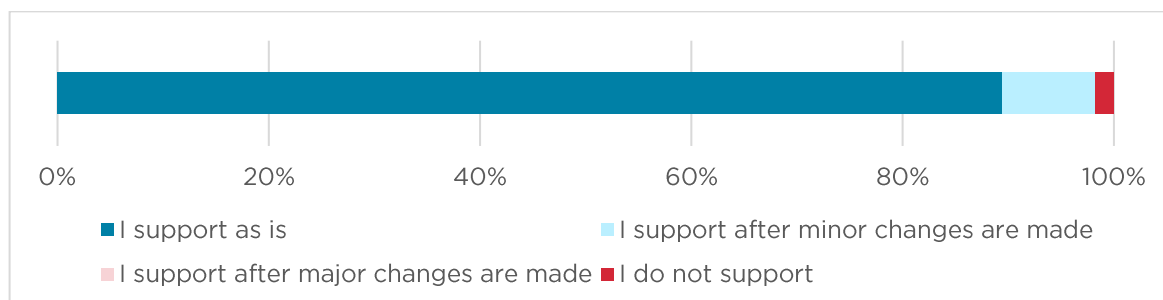
Some concern about the language of this Guiding Principle was expressed by individual respondents, but the majority of submissions welcomed a statement expressing the sector's commitment to self-determination. The Guiding Principle was welcomed by First Nations Media Australia (FNMA). We have changed 'Aboriginal and Torres Strait Islander' to 'First Nations' consistent with the rest of the document on advice from FNMA.

### Guiding Principle 3

#### Previous Draft

We contribute to an inclusive, harmonious Australia by celebrating languages and cultural diversity.

89.5% of respondents support the draft guiding principle as is.



#### What you told us and how we have responded:

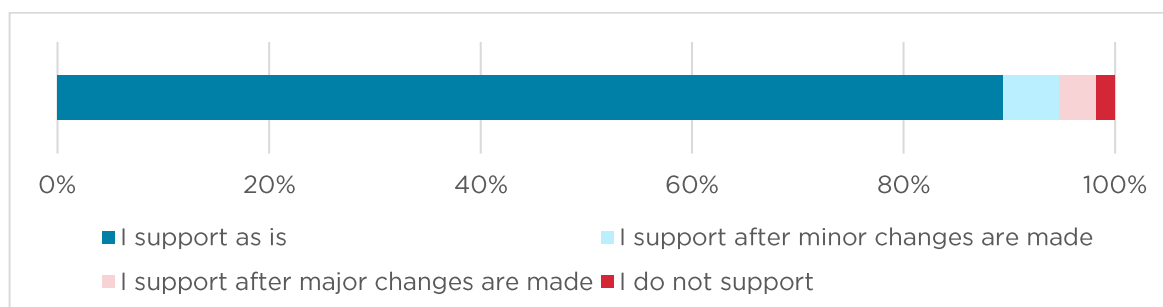
We have followed feedback to return the phrase 'promote harmony and diversity' to this Guiding Principle. We have also followed advice to include 'culture' with languages and to change the phrasing to 'supporting and celebrating'.

### Guiding Principle 4

#### Previous Draft

We work to overcome prejudice and discrimination.

89.5% of respondents support the draft guiding principle as is.



#### What you told us and how we have responded:

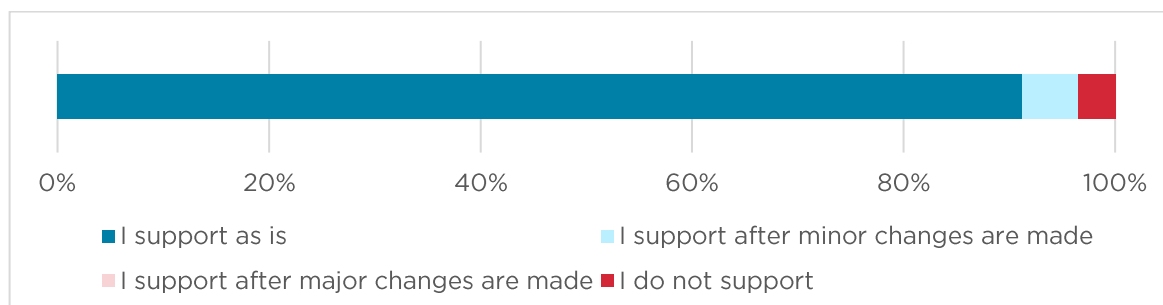
Many respondents expressed strong support for the inclusion of this Guiding Principle. Some concern was expressed, but as the majority supported it as is we have decided to make no change to this Guiding Principle.

## Guiding Principle 5

### Previous Draft

We expand the variety of viewpoints and programming choices available in Australia.

91% of respondents support the draft guiding principle as is.



### What you told us and how we have responded:

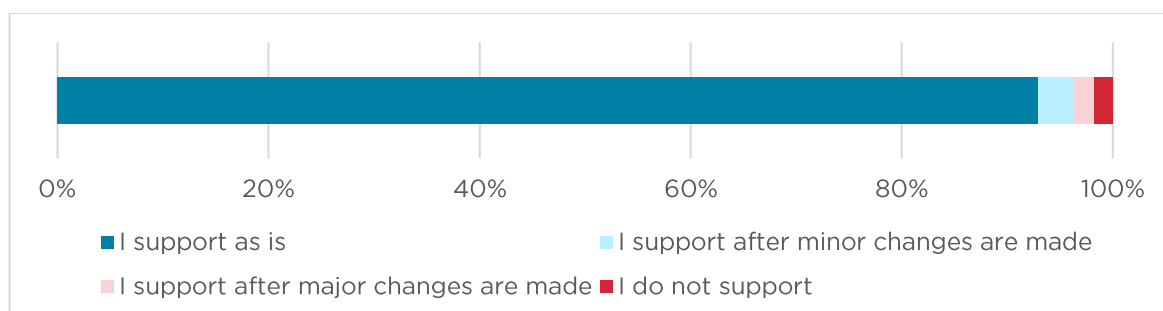
The original drafting was well supported. We have followed a suggestion to return 'enhance the diversity' in relation to viewpoints and programming choices in this Guiding Principle.

## Guiding Principle 6

### Previous Draft

We are independent.

93% of respondents support the draft guiding principle as is.



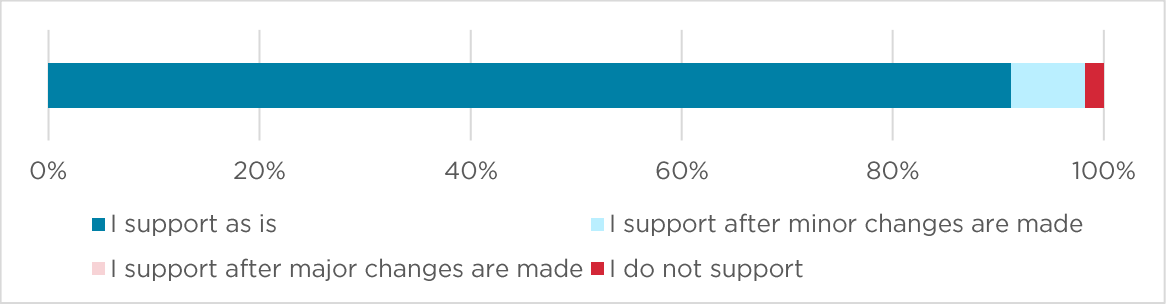
### What you told us and how we have responded:

We have added 'and community controlled' to this Guiding Principle to clarify what is meant by 'independent' as some respondents felt that it was not clear enough.

Guiding Principle 7

**Previous Draft**  
We support and develop local arts, music and culture.

91% of respondents support the draft guiding principle as is.

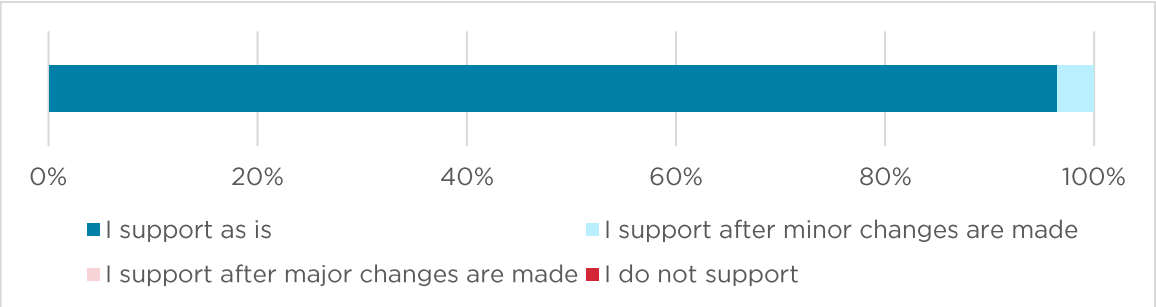


**What you told us and how we have responded:**  
We have followed advice that ‘nurture’ was a better word to replace ‘develop’ in this Guiding Principle.

Guiding Principle 8

**Previous Draft**  
We encourage and increase community participation in broadcasting.

96.5% of respondents support the draft guiding principle as is.



**What you told us and how we have responded:**  
We have followed advice to include ‘engagement’ with ‘participation’ in this Guiding Principle.



## The Draft Codes

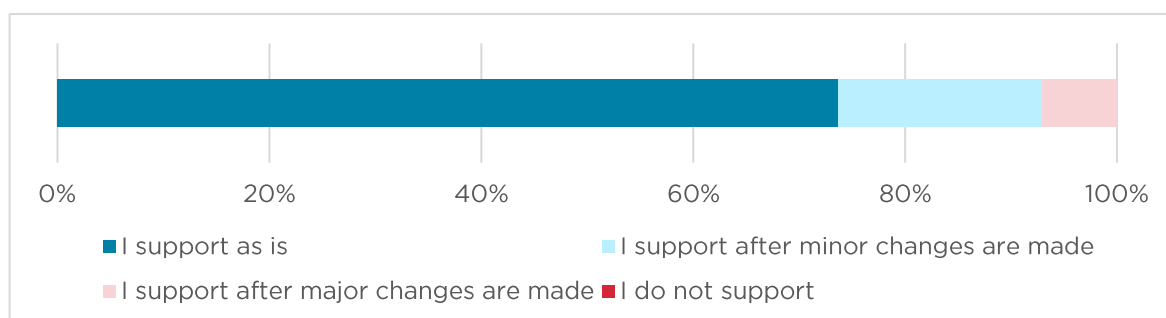
The Community Radio Broadcasting Codes of Practice are numbered and set out under headings, Code 1-10.

### Code 1: Application

#### Previous Draft

- 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, if the non-compliance was in respect of a minor, peripheral, incidental, or trivial matter, or was due to:
- a) a reasonable mistake or accident;
  - b) reasonable reliance on information supplied by another person;
  - c) the broadcast of material which was accidental, provided that we took reasonable precautions and exercised due diligence; or
  - d) another person's act or failure to act which was outside our control, or an accident, technical issue, or some other cause beyond our control.
- 1.3 We will broadcast at least one on-air announcement each 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 available on our website (or on 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.

75% of respondents support the draft Code 1 as written in the consultation draft as is and 93% support it after minor changes are made.



#### What you told us and how we have responded:

We received feedback that the draft wording of this Code is an improvement that clarifies responsibilities in a clear and easy to read way.

Some respondents were concerned that Code 1.2 sounded like an excuse for non-compliance, others expressed support for its inclusion. The wording has been changed to narrow the obligation and bring it into line with other broadcasting sectors.

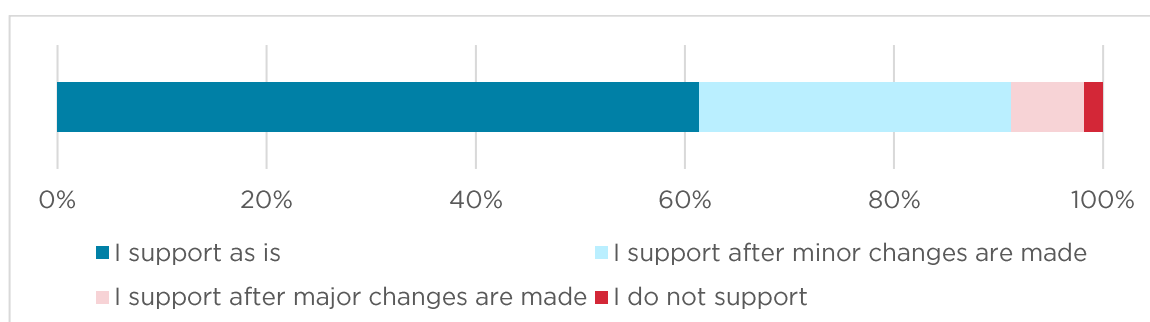
There was varied feedback on Code 1.3. Suggestions included that the Codes should mandate more frequent announcements, that once a week should be an example of frequency and that an announcement should not be mandated. The Code is an important requirement and has been left as is with a small wording change from 'made available on' to 'accessible via' to enable stations to link to the Codes on the CBA website. The Guidance Material will cover questions raised about what the announcement should cover and what time to play it.

## Code 2: Governance

### Previous Draft

- 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 make publicly available on our website (or on our social media page if no website exists) the governance documents listed at 2.1 and our annual reports, including annual financial statements.
- 2.3 We will have training in place to ensure that everyone is aware of their Code and legal obligations.

61% of respondents support the draft Code 2 as is and 91% support it after minor changes are made.



### What you told us and how we have responded:

Feedback on this Code was positive overall and included recommendations for more guidance. Respondents supported the simplified draft Code 2.1 and suggested additional information be included in the Guidance Material.

Some respondents expressed concerns about the requirement to make annual financial statements available online. Feedback also highlighted concerns about the administrative burden, privacy concerns and some respondents noted that they do not have an online presence. Other respondents expressed support for annual financial statements being publicly available as important for transparency and good governance.

We have addressed the feedback by changing 'publicly' to 'freely', inserting brackets and an 'e.g' around 'via our website, social media page' to show that this is best practice. In response to feedback we have also added 'regulator's website' to the list to allow for stations whose financial statements are already made available via the ACNC or ORIC websites.

It is essential that community broadcasters prioritise transparency and accountability. If they don't, they risk losing the public's trust and this in turn limits their ability to continue their vital work.

Stakeholder feedback included comments on the importance of training and training resources as well as a comment from a station that they are not equipped to facilitate training for volunteers. Our existing Codes include a training obligation, so we have retained this Code.

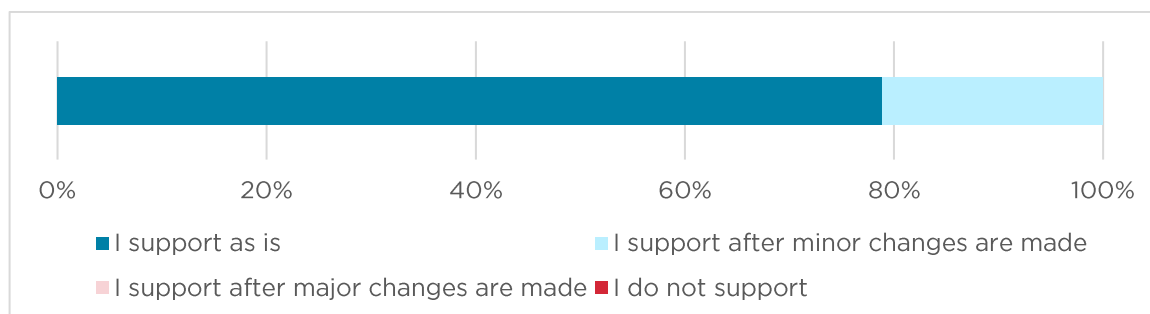
Guidance Material is being prepared to address all concerns raised.

### Code 3: Diversity, Independence and Our Community (REVISED DRAFT TITLE)

#### Previous Draft

- 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 keep the community we represent informed of how community suggestions and participation are reflected in, our activities and programming.

79% of respondents support the draft Code 3 as is and 100% support it after minor changes are made.



#### What you told us and how we have responded:

Feedback included support for the flexibility extended to stations in draft Code 3 as well as confusion on how to demonstrate compliance with the new more flexible Code. We are working on appropriate Guidance Material to help stations understand their responsibilities under this Code.

There was strong concern that there had been a loss of the sense of the sector's identity in Code 3 in terms of diversity, independence and access to media. We have tried to return these ideals to the Codes in the revised draft '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.' We have also included in this Code a suggestion to incorporate in this Code community media's obligation to prioritise the voices of those with 'lived experience'.

We have taken on board feedback to include a reminder of Code 7 obligations in Code 3. This Code does not create additional obligations.

We have also added a reminder of our obligations under anti-discrimination law in the Other Legislative Matters box.

## Code 4: Material not suitable for broadcast

### Previous Draft

#### 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 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 health, medical conditions, sex characteristics, gender identity or expression, sexual orientation, race, nationality, culture, religion or being from a lower socio-economic class.

#### 4.2 Nothing in 4.1 will prevent us from broadcasting material that is presented reasonably and in good faith:

- a) for artistic, comedic, satirical, academic, religious, or scientific purposes; or
- b) in the course of a broadcast of a fair report of, discussion or a fair comment on, a matter of public interest.

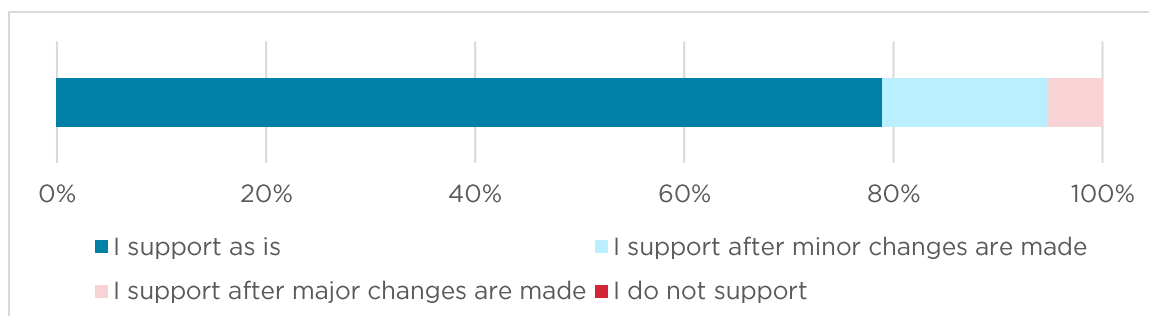
### Privacy

#### 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.

79% of respondents support the draft Code 4 as is and 95% support it after minor changes are made.



#### **What you told us and how we have responded:**

Respondents supported the inclusion of a separate Code 4. Feedback included that the Code is sensible, understandable and easy-to-read.

Code 4.1 c) and d) were welcomed by the majority of respondents and stations felt they would be able to comply with the Code. There was one comment that the provision could be stronger on not promoting gambling and one comment that the Codes should not impose a stronger burden on stations than what is required under the law. In response to feedback that gambling information might include prevention information we have added the bracketed text '(other than prevention or support information)'.

There were strong concerns over the need to balance protections for freedom of expression with the best possible protection against discrimination and vilification. In response to feedback on 4.2 we have made the Code much more detailed to explain how the acceptability of programs that might be offensive under 4.1 h) should be guided by context to determine if they are fair comment or being presented reasonably e.g. for artistic purposes. This Code is modelled on the approach taken by the SBS and the ABC in their Codes. This will also be supported by Guidance Material.

## Code 5: News and journalistic content

### Previous Draft

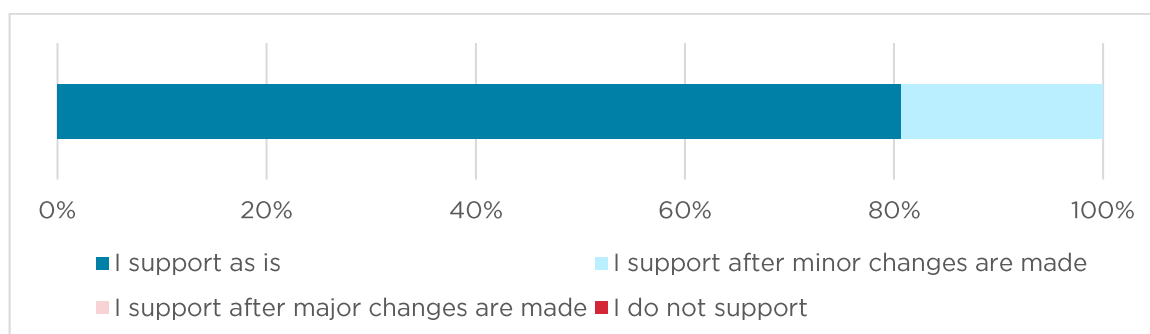
5.1 In broadcasting news and journalistic content we must:

- a) ensure factual material is presented accurately and impartially;
- b) source and present a diversity of voices and viewpoints with fairness;
- c) clearly distinguish factual material from analysis, commentary or opinion, comedy, satire, and any other kind of fictional entertainment content;
- d) not broadcast misinformation or 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.

- e) must not present material in a way that is likely to create public panic or cause serious distress to reasonable listeners;
- f) must provide correction or clarification of significant errors of material fact in a timely manner;
- g) must identify ourselves and our media organisation before proceeding with an interview for broadcast or publication.

81% of respondents support the draft Code 5 as is and 100% of respondents support it after minor changes are made.



### What you told us and how we have responded:

Respondents broadly supported draft Code 5 as a standalone code that is easy to read and follow.

We have responded to feedback that Code 5 did not give a strong enough sense of the sector's role in media diversity, championing community perspectives and ensuring access to media for those not adequately represented in other broadcasting sectors. We have added 'a) provide access to perspectives not adequately represented by other broadcasting sectors;'; 'c) source and present a diversity of voices and viewpoints with fairness, and aim to be representative of the diversity of our community;'; and 'd) where practical, include the voice of those with relevant lived experience;'

Originally we followed recommendations to add 'take care not to amplify or spread' to the Code on misinformation and disinformation. After consultation with the ACMA we have reworded the provision to avoid weakening the provision and address the reporting of contentious issues where facts may be contested or not settled.

We have clarified the Code 'must identify ourselves and our media organisation before proceeding with an interview for broadcast or publication.' By adding 'ensure our journalists must identify themselves' to clarify the intention of this Code in response to feedback that it was confusing who this Code was directed at.

We have also added '5.1 j) avoid or adequately disclose any conflict of interest, and any such conflict must not influence the content of a broadcast' in response to the recommendation that Code 5 include a provision to ensure conflicts of interest be disclosed and not influence broadcast content.

We will follow recommendations to include clear guidance on understanding the terms used in this Code and to help stations navigate compliance with this Code.

**Impartiality of news**

See attached [explainer document](#), on which we are seeking feedback.

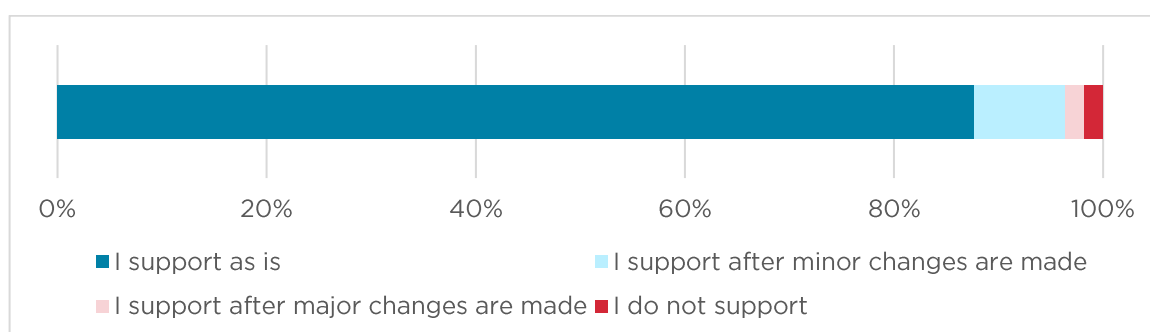
## Code 6: Emergency information

### Previous Draft

6.1 Where we have the resources to offer emergency broadcasts to the community, those broadcasts must include:

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

87% of respondents support the draft Code 6 as is and 96% support it after minor changes are made.



### What you told us and how we have responded:

Respondents welcomed the addition of the standalone code and recommended wording changes to improve and clarify it.

We have followed a recommendation to return the Code 'Where we offer emergency broadcasts, we will have procedures in place to enable appropriate local emergency broadcasts.' to the draft. It was felt that this Code was missing from the new draft.

We have followed a recommendation to delete 'have the resources to' so that this Code reads 'Where we offer emergency broadcasts' rather than 'Where we have the resources to offer emergency broadcasts'.

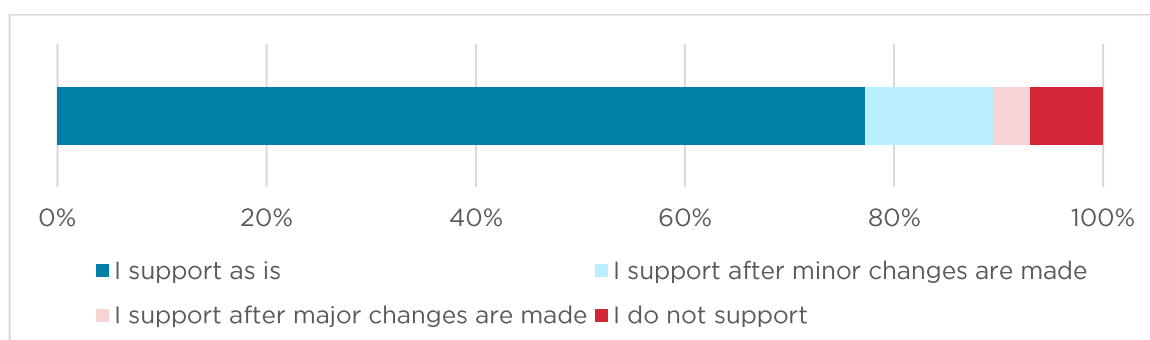
Some respondents expressed confusion about the meaning of 'culturally specific factual information' and others commented that it was too broad. Respondents also expressed the difficulty of doing this in an emergency situation. In response to this feedback we have deleted 5.1 c) and included the wording '6.3 Where practical, we try to provide emergency broadcasts in the main languages other than English spoken in our local area.'



## Code 7: First Nations Engagement and Programming

### Previous Draft

- 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 establish and strengthen relationships with local Aboriginal and Torres Strait Islander people and organisations.
- 7.3 We will include Aboriginal and Torres Strait Islander people or organisations in the planning and production of programs about or affecting Aboriginal and Torres Strait Islander people, and follow advice on:
- a) observing cultural protocols and practices; and
  - b) using respectful and appropriate language.



77% of respondents support the draft Code 7 as is and 89% support it after minor changes are made.

### What you told us and how we have responded:

First Nations Media Australia (FNMA) welcomed the use of more inclusive language in representing First Nations people's participation and engagement in community broadcasting and programming.

We have followed the guidance of FNMA to explain the Code relating to specific aspects of cultural protocols and language. We have followed FNMA's guidance to use the preferred terminology of 'First Nations'.

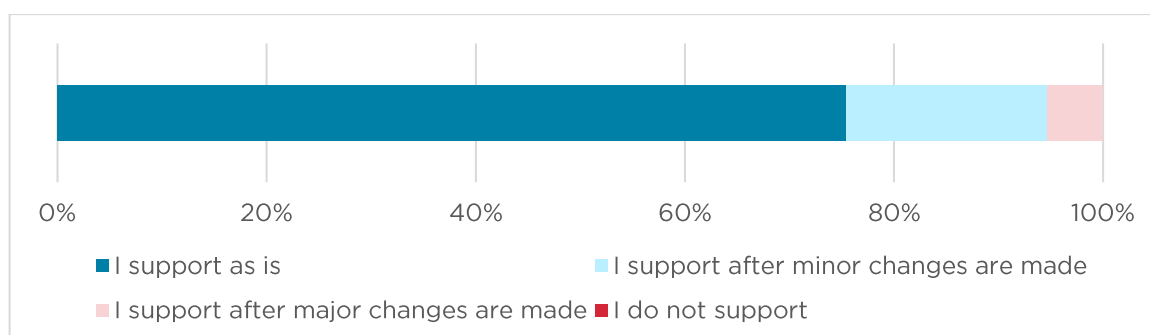
We have also followed the suggestion to include a code on prioritising First Nations voices when reporting on First Nations issues.

Some submissions expressed concern about having a standalone First Nations Code and some confusion was expressed about how to comply with the Code. We will accompany this Code with detailed Guidance Material and links to recommended resources.

## Code 8: Australian Music

### Previous Draft

- 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.



76% of respondents support the draft Code 8 as is and 95% support it after minor changes are made.

### What you told us and how we have responded:

We have not made a change to the draft wording of Code 8. Respondents broadly supported the intent of the draft Code. The majority of respondents feedback that the Australian music quota achievable. Some respondents gave feedback that the quota is too high and others gave feedback that it is too low.

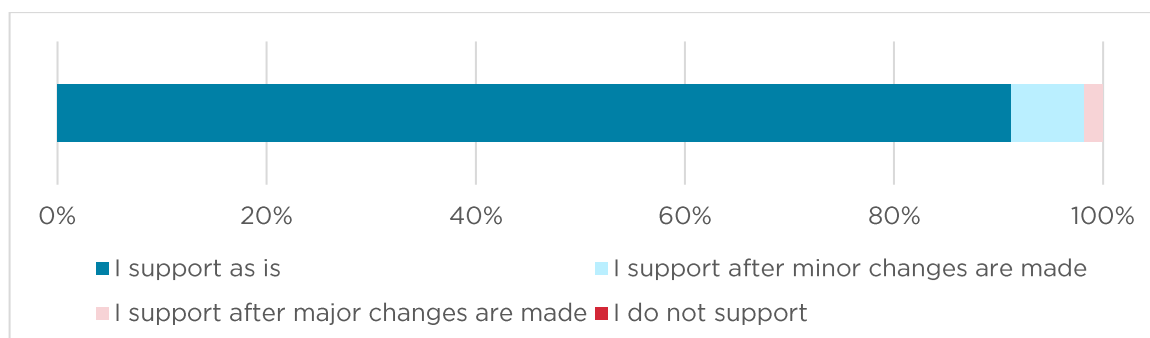
Respondents requested guidance material about compliance, auditing, broadcasting live event information and how the Code would apply to different stations. We will ensure that this Guidance Material is made available.

## Code 9: Sponsorship

### Previous Draft

- 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.

91% of respondents support the draft Code 9 as is and 98% support it after minor changes are made.



### What you told us and how we have responded:

We have not made a change to the draft wording of Code 9. Respondents expressed support for the Code and the need for clarity and guidance on issues including non-compliance, station ID, tagging and the difference between sponsorship and advertising.

We are working on detailed Guidance Material to address the areas raised during the consultation.

A number of submissions included feedback on the need for an increase in sponsorship time. This is a matter that would require legislative change by the Australian parliament and as such is not covered by the Codes Review.

## Code 10: Complaints and Disputes

### Previous Draft

#### Our commitment

- 10.1 We must ensure complaints are handled fairly, objectively, and confidentially in a manner which protects the physical and mental safety of all parties.
- 10.2 We will have a complaints and disputes policy and procedure that clearly set out the different ways to deal with:
- a) internal complaints and disputes; and
  - b) complaints that are about a breach of a licence condition, the *Broadcasting Services Act 1992*, or these Codes.
- 10.2 Information about how to make a complaint and our complaint handling process will be publicly available and easy to access.
- 10.3 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.
- 10.4 We must keep a record of complaints and our responses for at least 12 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.
- 10.5 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) expressly indicates that a response is not required.

#### Internal Complaints and Disputes

- 10.6 The ACMA does not have a role in the complaint or dispute resolution process for internal complaints and disputes.
- 10.7 All complaints that are not about a breach of a licence condition, the *Broadcasting Services Act 1992* or these Codes are internal complaints and disputes and must be dealt with in accordance with our complaints and disputes policy or procedure.
- 10.8 We must inform complainants about any internal or external review options available to them (including any relevant Ombudsman or oversight regulatory bodies e.g., the ACNC).
- 10.9 Where an agreement or compromise cannot be reached, we will consider using an independent mediator to assist in resolving the dispute.

#### Complaints about a breach of a licence condition, the *Broadcasting Services Act 1992*, or these Codes

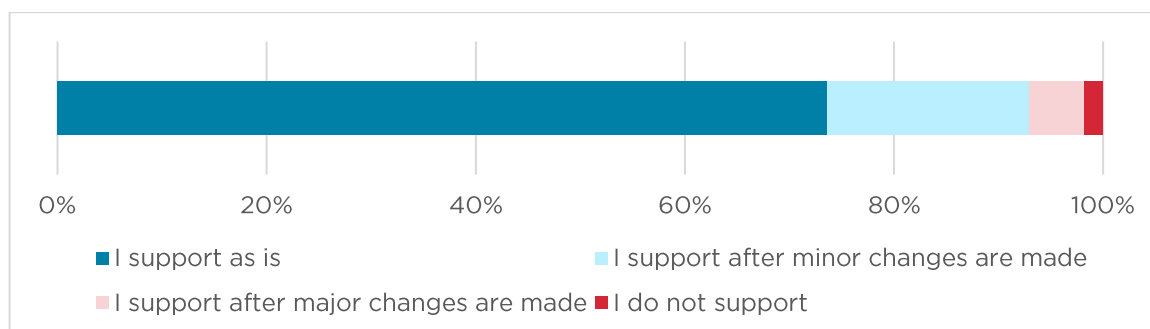
- 10.10 Complaints that are about a breach of a licence condition or the *Broadcasting Services Act 1992* may be addressed to us or go directly to the ACMA. Complaints about these Codes should first be addressed to us and dealt with in accordance with our complaints and disputes policy or procedure.
- 10.11 We will acknowledge receipt of 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.

10.14 We will keep a record of any programs that are the subject of a complaint for 60 days after the complaint is lodged.

10.15 We will keep any material the ACMA has asked us to keep for the length of time specified by the ACMA.

74% of respondents support the draft Code 10 as is and 93% support it after minor changes are made.



#### What you told us and how we have responded:

Respondents shared broad support for a complaints and disputes code and provided recommendations to amend draft Code 10. Respondents also requested guidance material on a range of topics. We are working on Guidance Material to address these topics and including a template Policy and Procedure and forms to accompany this Code.

Feedback on the draft Code requested clarification on the structure and wording of Code 10.1 to better balance the protection of vulnerable parties in dispute. To address this feedback we have deleted 'which protects prioritises the physical and mental safety of all parties' from Code 10.1.

We have reworded Code 10.3 on making available information about how to make a complaint, in an effort to be consistent with best practice.

We have responded to concerns about differentiating feedback from complaints by adding 'feedback' as a category to this Code and restructuring the Code to enable people to clearly distinguish feedback from types of complaints that can be formally reviewed by the ACMA. These terms will also be defined in an included glossary and explained in the Guidance Material.

We have added '10.8 e) is feedback, or expressly indicates that a response is not required' to the types of complaint stations are not required to resolve.

In response to feedback we have changed the period that stations must keep a record of complaints and our responses from 12 to 24 months from the date of the complaint.

Respondents raised concerns over the obligations to inform complainants about internal and external review options and to consider using an independent mediator. Feedback included that these obligations were too onerous, may set unrealistic expectations or may be difficult to comply with for stations in remote areas. We have restructured these Codes so that rather than being obligations themselves, the Codes are included under '10.16 Our internal complaints and disputes policy and procedure will'. The independent mediator Code at a) has also been caveated with 'where practical'.

## Next Steps

Following the conclusion of the second public consultation, the revised draft Codes will be reviewed by regulators ACMA and Office of Impact Analysis for approval.

Once approved, the Codes and its accompanying guidance material will be published on the CBAA website and come into force after an agreed period of time.

## About the CBAA

The Community Broadcasting Association of Australia (CBAA) is the peak body and national representative for 450 community media organisations. 90% of all community radio licence holders are CBAA members. The CBAA exists to support strong and successful community broadcasters. We champion an independent and free media and provide a portfolio of programs aiming to strengthen the capacity and sustainability of community broadcasting organisations across Australia.