

COMMERCIAL RADIO CODES OF PRACTICE & GUIDELINES

October 1999

THE CODES OF PRACTICE

Purpose

These Codes have been developed in accordance with the requirements of s.123 of the *Broadcasting Services Act 1992* and has been registered by the Australian Broadcasting Authority ("the ABA") after endorsement by commercial radio broadcasters and consultation with the listening public. The Codes aim to ensure broadcasters have regard to prevailing community standards in broadcast material, while protecting the licensee's right to responsible freedom of speech.

Review of the Code

It is intended that the Codes will be formally reviewed after they have been in effect for three (3) years. If, within that time, it is shown that the Codes require substantive change, the public will be given adequate opportunity to comment on the changes that may be proposed.

CODE OF PRACTICE 1: PROGRAMS UNSUITABLE FOR BROADCAST

Purpose

- 1.1 The purpose of this Code is to prevent the broadcast of programs which are unsuitable, having regard to prevailing community standards and attitudes.

Definition

- 1.2 In this code "programs" means all matter broadcast.

Proscribed Matter

- 1.3 A licensee must not broadcast a program which:
- (a) is likely to incite, encourage or present for its own sake violence or brutality;
 - (b) simulate news or events in such a way as to mislead or alarm listeners;

- (c) present as desirable:
 - (i) the misuse of alcoholic liquor; or
 - (ii) the use of illegal drugs, narcotics or tobacco.
 - (d) depicts suicide favourably or presents suicide as a means of achieving a desired result; or
 - (e) is likely to incite or perpetuate hatred against or vilify any person or group on the basis of age, ethnicity, nationality, race, gender, sexual preference, religion or physical or mental disability.
- 1.4 Nothing in sub-clauses 1.3(c)(ii), 1.3(d) or 1.3(e) prevents a licensee from broadcasting a program of the kind or kinds referred to in those sub-clauses if the program is presented reasonably and in good faith for academic, artistic (including comedy or satire), religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about any act or matter.

**Program Content and Language, including
Sex and Sexual Behaviour**

- 1.5
 - (a) All program content must meet contemporary standards of decency, having regard to the likely characteristics of the audience of the licensee's service.
 - (b) The gratuitous use in a program of language likely to offend the anticipated audience for that program must be avoided.
- 1.6 Licensees must not broadcast audio of actual sexual acts.
- 1.7 Licensees must not broadcast a feature program which has an explicit sexual theme as its core component unless it is broadcast between 9.30pm and 5.00am and an appropriate warning is made prior to commencement of the program and at hourly intervals during broadcast of the program.
- 1.8 Nothing in clause 1.7 prevents a licensee from broadcasting a program at any time, of the kind referred to in that clause, if the program is in the public interest, including discussion or debate about current events.

CODE OF PRACTICE 2: NEWS AND CURRENT AFFAIRS PROGRAMS

Purpose: The purpose of this Code is to promote accuracy and fairness in news and current affairs programs.

2.1 News programs (including news flashes) broadcast by a licensee must:

- (a) present news accurately;
- (b) not present news in such a way as to create public panic, or unnecessary distress to listeners;
- (c) distinguish news from comment.

2.2 In the preparation and presentation of current affairs programs, a licensee must ensure that:

- (a) factual material is presented accurately and that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- (b) the reporting of factual material is clearly distinguishable from commentary and analysis;
- (c) reasonable efforts are made or reasonable opportunities are given to present significant viewpoints when dealing with controversial issues of public importance, either within the same program or similar programs, while the issue has immediate relevance to the community;
- (d) viewpoints are not misrepresented, and material is not presented in a misleading manner by giving wrong or improper emphasis, by editing out of context, or by withholding relevant available facts;
- (e) respect is given to each person's legitimate right to protection from unjustified use of material which is obtained without an individual's consent or other unwarranted and intrusive invasions of privacy.

CODE OF PRACTICE 3: ADVERTISING

Purpose: The purposes of this Code are to ensure that advertisements comply with others Codes where applicable, and to limit the time devoted to advertisements.

3.1 Advertisements broadcast by a licensee must:

- (a) not be presented as news programs or other programs;
- (b) comply with all other Codes of Practice so far as they are applicable.

3.2 Where a commercial radio station is the only commercial station in a licence area in which 30% or less of the licence is attributed to overlap, the licensee of that station must not broadcast more than 18 minutes of advertisements in a period of an hour.

CODE OF PRACTICE 4: AUSTRALIAN MUSIC

Purpose

- 4.1 The purpose of this Code is to implement the object, set forth in the *Broadcasting Services Act 1992*, of promoting the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity, by prescribing minimum content levels of Australian music.

The commercial radio industry is committed to supporting the music of Australian artists and composers. The quotas adopted by the industry depend upon the availability of Australian music to suit station formats. The commercial radio industry will continue to encourage the increased production by the record industry of Australian music relevant to stations formats and the preferences of the Australian listening public.

Broadcast of Australian Music

- 4.2 Subject to this Code, a licensee must ensure that during the Australian Performance Period, either:
- (a) the applicable proportion of the total time occupied by the broadcasting of music by the radio service consists of music performed by Australians; or
 - (b) in the case of a licensee which broadcasts musical items of a reasonably similar duration, the applicable proportion of the total number of musical items broadcast by the radio service consists of musical items performed by Australians.
- 4.3 (a) For the purposes of clause 4.2, the applicable proportion of total time or total number of musical items (as the case may be) in respect of a radio service must be determined based upon the predominant format of the service in accordance with the following scale:

Category	Format of Service	Applicable Proportion
A	Mainstream Rock Album Oriented Rock Contemporary Hits Top 40 Alternative	Not less than 25%
B	Hot/Mainstream Adult Contemporary Country Classic Rock	Not less than 20%
C	Soft Adult Contemporary Hits & Memories Gold - encompassing Classic Hits News Talk/Sports Talk	Not less than 15%
D	Oldies Easy Listening Easy Gold Country Gold	Not less than 10%
E	Nostalgia Jazz NAC (smooth jazz)	Not less than 5%

Note: All formats subject to review as set out in Attachment "A"

- (b) In the case of a radio service whose format is within categories A, B or C of clause 4.3(a), the broadcast of New Australian Performances as a proportion of total Australian Performances prescribed by this clause shall be in accordance with the following table, when calculated across all Australian Performance Periods occurring in any financial year, subject to clause 4.3(d).

Category	New Australian Performances As a Proportion of Total Australian Performances
A	Not less than 25%
B	Not less than 20%
C	Not less than 15%

- (c) The commitment on the part of licensees to play a minimum level of New Australian Performances in accordance with sub-clause 4.3(b) is subject to the release of such Performances by the Australian record industry in numbers that are substantially the same as those released in the financial year ending 30 June, 1998.

If, in any financial year during the time that this Code is in force, there is a substantial decrease in the release of New Australian Performances, FARB may revise the proportions of New Australian Performances as a proportion of total Australian Performances, contained at clause 4.3(b), after discussion with AMPCOM, provided that any change that may eventuate will not affect the licensees obligations under clause 4.2 and 4.3(a).

- (d) Clause 4.3(b) does not apply to a licensee that does not include New Releases in its weekly play lists, having regard to its format.

4.4 For the purposes of clause 4.3, the category into which a radio service falls must be nominated by the licensee and if any dispute arises as to the appropriateness of any such nomination the category will be determined by AMPCOM, on the basis of the predominant format of the service.

4.5 For the purposes of clause 4.2, where more than one performer is involved in a musical performance, the musical items concerned shall be regarded as being performed by an Australian if the performance is predominantly by one or more Australians.

Changes to Formats

4.6 A licensee must notify AMPCOM by written notice (through FARB) of any material change to the format of a radio service operated by it, having regard to the tables in Clause 4.3, no later than 7 days after the change is made and must provide AMPCOM with all documentation reasonably required by it in relation to the change to the format.

Role and Objectives of AMPCOM

4.7 The ABA notes the role and objectives of AMPCOM set out in Attachment "A" hereto.

Definitions

4.8 In this Code of Practice 4:

ABA means the Australian Broadcasting Authority.

AMPCOM means the Australian Music Performance Committee.

AMPCOM Monitoring Period means the six month periods from January to June and July to December each year.

Australian Performance Period means the total period of 126 hours occurring in each week between the hours of 6.00 am and 12.00 midnight daily.

Australian means a person who is a citizen of, or is ordinarily resident in, Australia.

Music or **musical item** does not include music in advertisements, program promotions, station promotions or theme or bridging music.

New Australian Performance means a sound recording of a previously unpublished performance of a musical item performed by an Australian which has been on sale to the Australian public for a period not exceeding 12 months from the date which is recorded in *"The Aria Report"* as the date of its initial release in Australia.

New Release means a previously unpublished sound recording that has been on sale to the Australian public for a period not exceeding 12 months from the date which is recorded in *"The Aria Report"* as the date of its initial release in Australia.

Australian Music Performance Committee (AMPCOM)

The Australian Music Performance Committee (AMPCOM) is a voluntary association comprising an independent chairman and representatives of the Federation of Australian Radio Broadcasters Limited (FARB), the Australian Record Industry Association (ARIA), the Australian Music Publishers Association, the Musicians' Union and the Media Entertainment and Arts Alliance.

The objects of AMPCOM are:

To maximise the exposure of Australian music on commercial radio, having due regard to the availability of appropriate broadcast-worthy material and the needs and preferences of the Australian listening public.

To monitor the commercial radio industry's observance of Code of Practice 4 of the Commercial Radio Codes of Practice (Australian Music) registered by the Australian Broadcasting Authority ("the Code").

To monitor the music industry's production of Australian music performances and composition.

To monitor the effects of the Code on performers, composers, producers of sound recordings, musicians and broadcasters.

To review the operation of the Code and to recommend changes to it as considered necessary.

To consider such other matters, relevant to the above objects, as the Committee thinks fit.

In pursuance of the above objects:

- (a) The Committee must meet at least quarterly.
- (b) FARB must use its best endeavours to ensure that stations treat the Code requirements as a "safety net" only, in anticipation that the majority of licensees will exceed the requirements, subject to the availability of suitable material.

- (c) FARB undertakes to provide regular half-yearly reports to AMPCOM (including but not limited to stations' APRA log returns) on the performance by FARB members in relation to the Code, and to produce and publish an annual report (in the event no such report is published by the Australian Broadcasting Authority) which will show individual licensees' performances.
- (d) ARIA undertakes to provide regular reports on the production and availability of sound recordings featuring Australian and non-Australian music in the categories identified in the Code.
- (e) The parties agree that, having regard to the current nature of the Australian music industry and the extent to which Australian artists perform Australian compositions, the interests of Australian composers are protected by the Code. This situation will be monitored.
- (f) AMPCOM will be responsible for deciding into which category each station's format falls if a dispute about that matter arises.

CODE OF PRACTICE 5: COMPLAINTS

Purpose

- 5.1 The purpose of this Code is to prescribe:
- (a) the method of handling complaints made by members of the public to licensees regarding compliance with these Codes; and
 - (b) the manner of reporting by the commercial radio industry to the ABA on complaints so made.

Complaints

- 5.2 For the purposes of this Part, a complaint is an assertion:
- (a) made in writing by a person who provides his or her name and address;
 - (b) to a licensee or a person at the radio station concerned who is acting with the apparent authority of the licensee;

that the licensee has broadcast matter which, in the opinion of the complainant, breaches these Codes. Complaints need not specify the section of the code to which the complaint relates, but must adequately identify the material broadcast and the nature of the complaint.

- 5.3 The licensee must make appropriate arrangements to ensure that complaints are received and recorded by a responsible person during normal office hours.

Telephone Comments

- 5.4 Licensees welcome telephoned comments from listeners, which they regard as valuable feedback on reaction to their service. The comments will be directed to the attention of key staff, who will respond to callers who provide their name and contact details.

Telephone Complaints

- 5.5 Listeners who telephone a station alleging a breach of the Codes, and who wish to make a complaint, will be asked to make the complaint in writing, in accordance with the provisions of clause 5.2.

Advice in Writing

- 5.6 Written complaints must be conscientiously considered by the licensee and the licensee must use its best endeavours to respond substantively in writing within 30 days of the receipt of the complaint. If the licensee needs to investigate the complaint or obtain professional advice and a substantive response is not possible within 30 days, the licensee must, in any event, acknowledge receipt of the complaint within 30 days and provide a final reply within 45 days of receiving the complaint.
- 5.7 The response must inform the complainant that he or she has the right to refer the complaint to the ABA if the complainant is not satisfied with the response by the licensee.

Stale Complaints

- 5.8 If a complaint is made more than 30 days after the broadcast of the material on which the complaint is based, the licensee is not obliged to comply with this Code of Practice 5.

Unwarranted Complaints or Anonymous Material

- 5.9 The licensee must make every effort to resolve complaints made in accordance with this Code, except where the complaint is, in the reasonable opinion of the licensee, frivolous, vexatious or an abuse of the complaint process under the Code.
- 5.10 The licensee is under no obligation to respond to or record comments provided anonymously to the licensee.

Record of Complaints

- 5.11 A record of complaints must be kept by the licensee in written form and must include:
- (a) the date and time the complaint is received;
 - (b) the name and address of the complainant;
 - (c) the substance of the complaint;
 - (d) the substance and date of the licensee's response(s)

and each such record must be retained by the licensee for a period of one (1) year from the date of receipt of the complaint.

- 5.12 (a) The licensee must cause an extract of the records of complaint prepared in accordance with Clause 5.11 to be supplied to The Federation of Australian Radio Broadcasters Limited ("FARB") in a form agreed between the ABA and FARB upon 14 days' notice by FARB to the licensee, for inclusion in industry complaint data provided by FARB to the ABA.
- (b) Where a licensee is not a member of FARB, the licensee must provide the extract of the record of complaints directly to the ABA and in the same form agreed to by the ABA and FARB.

CODE OF PRACTICE 6

INTERVIEWS AND TALKBACK PROGRAMS

Purpose: The purpose of this Code is to prevent the unauthorised broadcast of statements by identifiable persons.

6.1 A licensee must not broadcast the words of an identifiable person unless:

- (a) that person has been informed in advance or is aware that the words may be broadcast; or
- (b) in the case of words which have been recorded without the knowledge of the person, that person has subsequently, but prior to the broadcast, indicated consent to the broadcast of the words.

CODE OF PRACTICE 7

COMPLIANCE WITH THE CODES

7.1 Licensees must endeavour to comply with the Codes, but a failure to comply will not be a breach of the Codes if that failure is due to:

- (a) a reasonable mistake; or
- (b) reasonable reliance on information supplied by another person; or
- (c) an act or default of another person, or to an accident or some other cause beyond the licensee's control

and the licensee took reasonable precautions and exercised due diligence to avoid the failure.

7.2 Each licensee must on at least one occasion in each week during the period that the Codes are in force broadcast on each commercial radio service operated by it an announcement publicising the existence of the Code and a general description of the nature and effect of their operation. Such announcements must be broadcast at different times and in different programs from week to week.

Guidelines on the Portrayal of Indigenous Australians on Commercial Radio

The Royal Commission into Aboriginal Deaths in Custody proposed the development of codes of practice and policies relating to the presentation of Aboriginal issues; the establishment of monitoring bodies and the putting into place of training and employment programs for Aboriginal people.

In recognition of those proposals, as a matter of industry policy, members of the Federation of Australian Radio Broadcasters are encouraged to adopt the following guidelines in relation to Code of Practice 1(1.3) of the *Commercial Radio Code of Practice*:

"A licensee shall not broadcast a program which:

- (e) is likely to incite or perpetuate hatred against vilify any person or group on the basis of age, ethnicity, ationality, race, gender, sexual preference, religion or physical or mental disability."*

Guidelines

1. *Commercial broadcasters should not transmit material that:*

is likely to incite or perpetuate hatred against;

gratuitously vilifies;

is likely to incite serious contempt for; or

severely ridicules

a person or groups of people, for the reason that they are Indigenous Australians.

2. *A broadcaster should avoid prejudicial or belittling references to, or undue emphasis on, a person because of their being Aboriginal or Torres Strait Islander peoples.*

Note: *It is not up to a broadcaster to question a person's aboriginality. Acceptance of a person's claims of aboriginality can only come from within the Aboriginal community.*

3. *Media reports about Aboriginal and Torres Strait Islander peoples should respect the protocols of those people.*
4. *Care should be exercised in depicting problems encountered by Aboriginal and Torres Strait Islander communities to achieve a balanced approach which does not unduly emphasise negative aspects to the exclusion of positive developments (eg. descriptions of*

problems could usefully include efforts being made by the people themselves to resolve them).

5. *As part of this balance, where material is broadcast that:*

reports on a negative aspect of a person, a group of Aboriginal or Torres Strait Islander people, and

draws attention to the person or group being Aboriginal or Torres Strait Islanders,

the broadcaster of the material should give the person or group an opportunity to reply to the material, and should cause the reply to be broadcast.

6. *The positive portrayal of Indigenous people in programs and news media should ideally assist those communities to:*

maintain and pass on to their descendants their cultures and traditions; and

facilitate an understanding of Indigenous peoples' cultures among all Australians.

Explanatory Notes to the Guidelines on the Portrayal of Indigenous Australians on Australian Commercial Radio

The Guidelines can be assisted by the initiation of programs which sensitise non-Indigenous journalists and program-makers to the values of Indigenous people.

Representatives of the National Indigenous Media Association of Australia (NIMAA) may be contacted for advice on an appropriate spokesperson on a news story focussing on the Aboriginal or Torres Strait Islander communities, or simply checking on the sensitivity of broadcasting details of an issue concerning those people.

Of particular offence to Aboriginal people are what they claim to be the myths, allegations and incidents which reinforce negative stereotypes and generalisations which range from the totally untrue, through the partially untrue, to true statements taken out of context.

Recommended educational material on the portrayal of Indigenous Australians in the media are:

"Signposts: Guide for Journalists" by Kitty Eggerking and Diana Plater (Australian Centre for Independent Journalism) - available from most University Bookshops.

"Rebutting the Myths" produced by the Office of the Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner (available from Australian Government Bookshops)

"The Greater Perspective" by Lester Bostock (available through the Special Broadcasting Service - produced principally to assist Television and Film makers, but including general information of use to all involved in presentation of Aboriginal issues).

TERMINOLOGY

It is preferable to refer to Indigenous Australians or Aboriginal People rather than an Aborigine. It is also acceptable to refer to Indigenous Australians by their regional identification: -

Koori	(NSW, Vic, Tas)
Murri	(Qld)
Nungar	(SA)
Nyungar	(WA - southern)
Yamayti	(WA - northern)
Yolngu	Arnhem Land

NOTE: The above regions are not necessarily defined by state borders. Refer to local Aboriginal Media Unit to determine the correct terminology for your region. If there is any doubt, check with a second source, otherwise you could cause offence.

Other common terminology:

Aoriginal See *Aborigine*. The word "Aboriginal" is an adjective used to describe something associated with Aborigines.

Aboriginality The qualities inherent in being an Aborigine relating to Aboriginal heritage and culture.

Aborigine An Indigenous person of Australia. Descendant of the first inhabitants of Australia with a living history spanning more than 40,000 years. The word "Aborigine" is a noun which also refers to any indigenous person, but is not a popular term (see earlier reference).

Racism Offensive or aggressive behaviour towards members of another race based on the belief that ones own race is superior and has the right to rule or dominate others.

Sacred Site A tract of land that has strong religious meaning to all or some Aboriginal people.

Site of Significance A tract of land that has strong meaning to all or some Aboriginal people but may not have strong religious meaning.

Torres Strait Islander A person of Torres Strait Island descent living in or coming from the group of islands between the Northern Australian and New Guinea coasts.

<i>Visitors Permit</i>	<i>A permit to enter designated Aboriginal areas. Obtained from Aboriginal Community Councils or Land Councils.</i>
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UNACCEPTABLE TERMINOLOGY

The following terms are offensive to Aboriginal people and should be avoided. The alternatives are listed.

<i>Abo, Abbo</i>	<i>Aboriginal person, Indigenous Australian, Koori (NSW), Murri (Qld), etc</i>
<i>Boong/Black</i>	<i>See Abo</i>
<i>Gin</i>	<i>Aboriginal woman, Aboriginal person, Koori, etc</i>
<i>Half-Caste</i> <i>Quarter-Caste</i> <i>Part Aboriginal</i> <i>Full-Blood</i>	<i>A concept used by non-Aborigines to divide Aborigines. The definition of Aborigine relates to self-identification and acceptance by the Aboriginal community. Degrees of descent are irrelevant and act against the solidarity of Aboriginal people.</i>
<i>Lubra</i>	<i>See Gin</i>
<i>Native</i>	<i>see Aborigine</i>

Guidelines and Explanatory Notes on the Portrayal of Women on Commercial Radio

Women represent 51% of the Australian population and as such are seeking fair and accurate portrayal in the media which reflects their diversity and recognises the significant and ongoing changes in women's attitudes and their roles in society.

In recognition of this, members of the Federation of Australian Radio Broadcasters Limited are encouraged to use the following Guidelines **to assist in understanding and meeting the objects of Part 2 Clause 2.3(e)** of the *Commercial Radio Code of Practice*.

Guidelines

In the portrayal of women on commercial radio, broadcasters should avoid promoting or endorsing inaccurate, demeaning or discriminatory descriptions of women by:

1. not placing undue emphasis on gender and resisting stereotyping.

Sexist language is language that unnecessarily excludes one sex or gives unequal treatment to women and men. Negative or inequitable sex-role portrayal refers to language, attitudes or representations which tend to associate particular roles, modes of behaviour, characteristics, attributes or products to people on the basis of gender, without taking them into consideration as individuals. Negative or inequitable portrayal of women and men can be both explicit and implied. Examples of non-sexist language are: leader/chair not chairman, police officer not policeman, firefighter instead of fireman, sales representatives not salesman, business executive not businessman. Some titles, such as chairman, are considered by some sectors of the community to have become generic through common usage, but should be used with discretion.

In relation to emphasis on gender, descriptions should endeavour to be relevant, ie. "a store manager was attacked and robbed" rather than describing the store manager as "a single mother of three". The relevant fact is that the woman was attacked in her capacity of store manager.

2. ensuring that reporting and "on-air" discussions respect the dignity of women and are non-exploitive.

Women see themselves as equally intelligent, informed and competent as men and therefore wish to be portrayed in an equivalent manner. Avoid expressions that infer that a person is inferior because she is a woman, or that men have exclusivity, ie. "that's a man's job" or "a women wouldn't understand that", "its a man's world" (the tone of voice can cause more offence than the actual remark). Avoid the use of overt sexual references in

relation to a woman's physical characteristics which have no relevance to the issue under discussion.

3. recognising the changing roles of women and men in today's society.

The roles and opportunities for both sexes are becoming more diverse due to factors such as the elimination of female-only and male-only occupations, changing patterns of parenting and lifestyles. Women and girls are involved in a range of roles as diverse as that for men and boys

4. endeavouring to achieve a balance in the use of women and men as experts and authorities and giving equal prominence to the achievements of women.

It is important to recognise the growing female participation in professional life and business so that women are adequately and appropriately represented in responsible roles. Women's achievements have often lacked the same level of recognition as men, ie. sport.

5. not broadcasting material which condones or incites violence against women; and,

reporting and discussing appropriate incidences of violence against women which do not over-emphasise detail, but could include analysis of issues underlying such acts.

Media reports of violence against women generally focus on the issue of stranger violence and ignore the issue of domestic violence because it does not fit the newsworthiness criteria of being unusual. However, almost all family incident reports to the Police are lodged by women. This does not mean that all stories of domestic violence should be reported, but that incidents of domestic violence, and the reasons for it, should not be ignored on the basis that "its only a domestic".

Media reports can tend to emphasise violence that occurs in public places and even if it does report violence in the home, it is more likely to be stranger break-in, rather than violence by an acquaintance. Reporting should therefore be balanced to reflect all violence in society and be factual without being sensational.

Care should be taken when reporting instances of violence by men against women which might be seen to offer explanations to diminish men's responsibility for their actions and even shift blame to the victim.

The dignity of a victim can easily be forgotten. Care should be exercised to avoid gratuitous and repetitive detail, such as the state of undress of a victim or description of the crime.

