



Community Television Code of Practice

The following codes are registered with the Australian Communications and Media Authority (ACMA) as the testable codes that make up the Community Broadcasting Code of Practice as required under the Broadcasting Services Act (BSA).

Code 1 - Governance

The purpose of this code is to ensure that the 'Guiding Principles' are reflected in the day-to-day operations of community television broadcasters. It also ensures licensees have appropriate corporate governance and dispute resolution procedures in place to deal with internal disputes, and that stations act in a timely and conscientious manner in resolving disputes, actively managing the conflict resolution process.

Stations will:

- 1.1. Have written policies and procedures in place to ensure sound financial, managerial and technical expertise is consistent across the organisation to provide an efficient and effective service.

Community and Access Principles

Community television service providers operate not-for-profit, and commit to a business philosophy- which optimises community access to station resources and management structures. To do this stations will:

- 1.2. Have written policies and procedures in place, relating to the licensees community of interest, which enable access and equity and encourage participation by those not adequately served by other media.
- 1.3. Be controlled and operated by an autonomous body, which is representative of the community of interest in the service area.
- 1.4. Have written policies and procedures, that apply to all station activities, which promote tolerance and respect of social and cultural difference and attempt to break down prejudice on the basis of ethnicity, race, chosen language, gender, sexual preference, religion, age, physical or mental ability, occupation, cultural belief or political affiliation.

Volunteers

Community Television stations recognise and value volunteer contributions, which enable stations to continue their operation on a daily basis. To this end stations will ensure that the rights and responsibilities of volunteers and will:

- 1.5. Have written policies and procedures in place that outline the rights and responsibilities of volunteers within the organisation including:
 - (a) fair access to information, equipment and training opportunities; and
 - (b) fair access to contribute to policy-making and operational processes.

Dispute Resolution – Internal Complaints

Internal conflict is the situation where the goals, values, interests or opinions of one group or individual are incompatible with, or perceived to be incompatible with, those of another individual or group. Where disputes occur the role of ACMA is to determine whether the Code of Practice has been implemented and not to determine the outcome of disputes. ACMA cannot resolve disputes or offer a mediating role for internal conflict resolution.

Definition: *A complaint, in relation to this code, is an assertion made in writing, relating to station activities, and other internal governance issues. The complaint must be made to the licensee, or person at the station acting with apparent authority of the licensee, by a station member who provides his or her name and street or postal address.*

- 1.6. Stations will have a **written policy & procedure** in place, which outlines mechanisms to facilitate internal conflict resolution within the organisation, including membership access and disputes around broadcast material.

Practice Notes - Best Practice in Internal Conflict Resolution

The following notes are not testable code conditions and are provided to support stations develop best practice in developing policies and procedures, which ensure a fair and transparent approach to internal conflict resolution.

A best practice internal complaints policy and procedure should:

1. *Include a definition of 'complaint' as set out in code 2.5*
2. *Be easy to access by all station members (for example be supplied as part of the station induction and training processes, and be posted on notice boards)*
3. *Include a commitment to acknowledge in writing all complaints within 30 days of receipt along with a copy of the station's policy & procedure document*
4. *Include a commitment to begin resolution of the conflict within 60 days of receipt of complaint in a conscientious and impartial manner*
5. *Outline that complaints about internal governance are a matter for the office of fair trading in each state, and matters about the Code may be referred to the ABA after all other avenues of resolution have been pursued*

N.B. Stations are under no obligation to respond to or record comments provided anonymously to the licensee.

Guidance Note: An example internal complaints process is attached as Appendix A.

Code 2 - Handling Complaints From The Public

Definition: *A complaint, in relation to this code, is an assertion made in writing, relating to station activities, its licence conditions, and responsibilities under the code. The complaint must be made to the licensee, or person at the station acting with apparent authority of the licensee, by a member of the public who provides his or her name and street or postal address.*

- 2.1. Community broadcasting licensees acknowledge the rights of their audiences to comment and make complaints in writing concerning:
 - (a) compliance with the Codes of Practice or a condition of the licence;
 - (b) program content; and
 - (c) the general service provided to the community.

- 2.2. Licensees will provide a minimum of fifty on-air announcements every year- containing information about the Community Television Codes of Practice and how audiences may obtain them.
- 2.3. Community broadcasting licensees will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, vexatious or not made in good faith.
- 2.4. Licensees will ensure that:
 - (a) complaints will be received by a responsible person in normal office hours;
 - (b) complaints will be conscientiously considered, investigated if necessary and responded to as soon as practicable; and
 - (c) complaints will be responded to in writing within 60 days of receipt (as required in the BSA Section 148), and will include a copy of the Community Television Code of Practice.
 - (d) complainants will be advised in writing that they have the right to refer their complaint to ACMA provided they have first:
 - (i) formally lodged their complaint with the licensee
 - (ii) received a response from the licensee and are dissatisfied with this response
- 2.5. A record of complaints in a permanent form will be maintained, for a period of at least 2 years, by a responsible officer of the licensee.
- 2.6. The record of complaints will be made available to ACMA on request, in a format advised by ACMA.

Code 3 - Programming

Community television licensees aim to broadcast material that promotes local and Australian culture, representing diversity in a responsible manner, breaking down prejudice and discrimination, and preventing the broadcast of material- which is contrary to community standards.

Community Television stations will:

- 3.1. Broadcast programming for entertainment, information and education, with priority being given to matters relating to the local community; and/or of artistic and cultural relevance.
- 3.2. Promote freedom of speech and avoid censorship wherever possible, however, consideration shall be given to the audience; the context; the degree of explicitness; the propensity to alarm; distress or shock; and the social importance of the event being broadcast.
- 3.3. Ensure no material is broadcast which may:
 - (a) incite, encourage or present for their own sake violence or brutality;
 - (b) simulate news or events in such a way as to mislead or alarm viewers;
 - (c) present as desirable the misuse of drugs including alcohol, narcotics and tobacco; or
 - (d) induce a hypnotic state or use subliminal techniques.
- 3.4. Ensure material is not broadcast which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, chosen language, gender, sexual

preference, religion, age, physical or mental ability, occupation, cultural belief or political affiliation.

Note: This requirement is not intended to prevent the broadcast of material which is factual, or the expression of genuinely held opinions in a news or current affairs program, or in the legitimate context of a humorous, satirical or dramatic work.

- 3.5. Observe an individual's privacy by:
- (a) respecting each person's legitimate right to protection from unjustified use of material- which is obtained without an individual's consent.
 - (b) not broadcasting the words or appearance of an identifiable person unless:
 - (i) that person has been informed in advance that their words or actions may be transmitted; or
 - (ii) in the case of words or actions having been recorded without the knowledge of the person, the person has subsequently, but prior to the transmission, indicated consent to the transmission of the material; or
 - (iii) the manner of the recording has made it manifestly clear that the material may be broadcast.
 - (c) not use material relating to a person's personal or private affairs, or which invades an individual's privacy (in particular when dealing with bereaved relatives and survivors or witnesses of traumatic incidents), other than where there are 'identifiable public interest' reasons for the material to be broadcast.
 - (d) taking extra 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. The consent of a parent or guardian should be obtained before naming or visually identifying the child or a member of the child's immediate family, or a report which discloses sensitive information concerning the health or welfare of a child, unless there are exceptional circumstances or an identifiable public interest reason not to do so.

Definition: "child" means a person under 16 years

News and Current Affairs Programming

These codes are in addition to the above programming codes and are intended to promote accuracy and fairness in news and current affairs programs. The likely composition of the audience at the time of broadcast, in particular the presence of children and the personal and cultural composition of a community, will be taken into account.

- 3.6. News, current affairs, magazine and opinion programs (including news flashes) will:
- (a) present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
 - (b) clearly distinguish factual material from commentary and analysis;
 - (c) situate issues in context, identifying all interviewees, not misrepresenting a viewpoint by giving misleading emphasis, editing out of context or withholding relevant available facts
 - (d) not broadcast a news or current affairs program containing visual or aural material which, in the licensee's reasonable opinion, is likely to seriously

distress or offend a substantial number of viewers, with the exception of material that is of identifiable public interest and then only if adequate prior warning is given to viewers

Indigenous programming and coverage of Indigenous Issues

This code acknowledges Indigenous peoples' special place as the first Australians, and offers a way to demonstrate respect for Indigenous cultures and customs, and to avoid offence with inappropriate words, phrases and actions.

In the following section, 'Indigenous Australians' refers to the Aboriginal peoples and Torres Strait Islanders of Australia.

- 3.7. When reporting on Indigenous people and issues, stations will take care to verify and observe the best way to respect Indigenous cultures and customs by:
 - (a) considering regional differences in the cultural practices and customs of Indigenous Australians.
 - (b) seeking appropriate advice on how to best respect Indigenous bereavement customs on the reporting of people recently deceased;
 - (c) using the appropriate words and phrases for referring to an Indigenous Australian and his/her regional group.
- 3.8. Broadcasters will seek to involve and take advice from Indigenous Australians, and where possible Indigenous media organizations and/or Indigenous broadcasters, in the production of programs focusing on Indigenous people and issues.
- 3.9. Broadcasters will avoid prejudicial references to, or undue emphasis on, a person who is Aboriginal or Torres Strait Islander.

Local and Australian Program Content

The community television sector plays an important role in Australian cultural development by involving communities in the production of diverse original programming. This Code also reinforces the community broadcasting sector's reputation as a medium committed to developing and recognising Australian arts and culture. Licensees will aim to achieve the highest level of community-oriented and diverse Australian programming.

Definitions:

- *'Local programs' are defined as programs generated from within the service area of the station.*
 - *'Australian originated programming' is defined as any program material created, produced or performed by a citizen or ordinary resident of Australia.*
- 3.10. Australian originated programming will form a significant proportion of a stations programming, with each station aiming for the highest practicable level of Australian content.
 - 3.11. Programs- which do not originate in Australia will be of relevance to identifiable communities of interest within a licensee's service area, and will be complementary to non-Australian programming available on other free-to-air services.

3.12. Community television service providers will initiate or support the development and production of local and Australian programming where possible.

Code 4 - Children's Television

Community television licensees will ensure the objects of the BSA are met by placing a high priority on the protection of children from exposure to program material which may be harmful to them. Licensees will have written policies in place which detail how they intend to achieve this objective and which also address the issue of appropriate content of material broadcast between, and immediately before and after, children's programs.

Definitions:

- Children are people younger than 14 years of age.
- Pre-school children are those not yet old enough to attend primary school.

Community television services will cater to the special requirements of children by ensuring:

- 4.1 Any children's programming is broadcast between 7.00am and 8.30pm Monday to Sunday and any preschool children's programming is broadcast between 7.00am and 4.30pm Monday to Friday.
- 4.2 All children's programming must be tagged, identifying suitable material for preschool children and primary school children.
- 4.3 No prizes will be offered or given during preschool children's programming.
- 4.4 References to competitions during children's programming must:
 - (a) include a summary of the rules; and
 - (b) not misrepresent the chances of winning.
- 4.5 News flashes or announcements will not be broadcast during children's or preschool children's programming, except for an announcement which cannot, in the public interest, be delayed until the completion of the program.

Code 5 Program Classification and Identification

This Code provides guidelines for the broadcast of "G", "PG", "M" and "MA" material. Definitions of these program classifications are in accordance with the Guidelines for the Classification of Films and Computer Games issued by the Office of Film and Literature Classification.

- 5.1. All material for broadcast must be appropriately classified "G", "PG", "M", or "MA", except for news, current affairs and sporting programs.
- 5.2. Audio and/or visual information advising of the program's classification will be broadcast at the commencement of all programs above 'M'.
- 5.3. Audio and/or visual advice on the reasons for a particular classification will be given prior to the commencement of films.
- 5.4. **General (G) classification zones**

Weekdays	6.00am - 8.30am
	4.00pm - 5.00 pm
Weekends	6.00am - 8.30am

5.4.1 In G zones, only material classified G (and news, current affairs and sporting programs) may be broadcast.

5.5. **Parental guidance recommended (PG) classification zones**

Weekdays (school days)	5.00am – 6.00am
	8.30am – 12.00pm
	3.00pm – 4.00pm
	5.00pm – 8.30pm
Weekdays (school holidays)	5.00am – 6.00am
	8.30am – 4.00pm
	5.00pm – 8.30pm
Weekends	5.00am – 6.00am
	8.30am – 8.30pm

5.5.1 In PG zones, only material classified PG and G (and news, current affairs and sporting programs) may be broadcast.

5.6. **Mature (M) classification zones**

Weekdays (school days)	8.30pm – 5.00am
	12.00 noon – 3.00pm*
Weekdays (school holidays)	
& Weekends	8.30pm – 5.00am

* When the time of reception anywhere in a licence area is more than one hour in advance of the time of the origin of the service, the M classification zone on schooldays extends between noon and 2.30pm, rather than 3.00pm.

5.6.1 In 'M' zones, only material classified M, PG and G (and news, current affairs and sporting programs) may be broadcast.

5.7 **Mature audience (MA) classification zones**

All days between 9.00pm and 5.00am

5.7.1 In MA zones, any material which qualifies for a television classification (and news, current affairs and sporting programs) may be broadcast.

Code 6 - Sponsorship and Community Service Announcements

This Clause augments the sponsorship conditions set down in schedule 2 of the Broadcasting Services Act. Community Television licensees will ensure that:

- 6.1. The licensee retains editorial control and independence in all programming, and shall not enter into any sponsorship arrangements- which are likely to affect the independence and integrity of the service.
- 6.2. Sponsorship will not be the sole factor in determining access to broadcast time.

- 6.3. As far as practical, all sponsorship announcements will be pre-classified to comply with the current CTVA Commercials Acceptance Division Television Commercials Production Checklist, and will also observe the classification requirements in Code 6.
- 6.4. Licensees will provide a minimum of 53 minutes of program content, including station/program announcements and community service announcements, within any hour of programming.
- 6.5. All sponsors will be clearly recognised as supporters of the program and/or station, and sponsorship messages will be "tagged" as such by:
 - a) placement of a "sponsor" watermark in a corner of the screen for at least 10 seconds at the beginning of the announcement; or
 - b) "pull through" text at the bottom of the screen; or
 - c) a text and spoken word "station/program sponsor announcement" at the beginning or end of one, or a bracket of more than one, sponsorship announcement.
- 6.6. Any support, either financial or in kind, during information based programming or buying guides, will be clearly indicated at the close of the program.

Code 7 - Review Of Codes

The purpose of this clause is to ensure that all codes are maintained and, where necessary, revised to accurately reflect contemporary community broadcasting principles.

- 7.1. The Community Television Sector, as coordinated by the sector organisation representing the majority of licensees, the Australian Community Television Alliance (ACTA) will review the Community Broadcasting Code of Practice every three to five years, in the context of the rapidly changing media and broadcasting environment, to ensure that all codes remain accurate and relevant.
- 7.2. Prior to any changes to the codes, the sector, as represented by the sector organisation representing the majority of licensees, will consult with ACMA, and seek agreement with the majority of community broadcasting stations, together with public comment.