

CODES OF PRACTICE - AN EXPOSITION

PART II

IN PART I OF 'CODES OF PRACTICE' (SEE MAY ABA UPDATE) WE DISCUSSED THE MAIN DIFFERENCES BETWEEN CODES AND STANDARDS AND THE ABA'S INVOLVEMENT WITH CODES. IN PART II WE EXAMINE THE MAIN AREAS TO WHICH CODES WILL APPLY.

MATTERS TO BE COVERED BY CODES OF PRACTICE

The *Broadcasting Services Act 1992* identifies a range of matters for which the various broadcasting industry sectors should develop codes of practice.

Almost all of these matters concern program content or the handling of complaints about program content.

For the purpose of developing codes of practice, industry sectors include commercial television, commercial radio, community television, community radio, subscription television (pay TV) and the various class licences.

The new legislation recognises the different degrees of influence that these categories exert on audiences and this is reflected in the different levels of regulation of these services. This is why, as mentioned in *May ABA Update*, some standards for Australian content and children's programming will continue to apply to commercial television.

The main areas for which all service categories will need to develop codes are:

1. Unsuitable matter

This includes provisions about matters such as violence, decency (including language) and racial and sexual discrimination.

2. Accuracy and Fairness

This applies to news, current affairs, interviews and talkback radio.

3. Protection of Children

Already the subject of mandatory standards for commercial and community television, other service providers may need to develop codes for the timing of certain programs and the placement of advertisements, commercials, sponsorship announcements and program promotions.

4. Complaints

All complaints concerning program

content should be made to the relevant service provider direct. Each industry sector will need to develop a code for dealing with such complaints.

A complaints code should have regard to response time. A response must be made to the complainant within 60 days.

The ABA may need to investigate the complaint if:

- (a) a complainant does not receive a response from the broadcaster within the specified period, or
- (b) the complainant is not satisfied with the response.

The ABA may require access to a record of complaints received as part of its own monitoring process.

A number of matters to be covered by codes apply to specific service categories only. For example, community broadcasters are required to develop a code in regard to the kinds of sponsorship that may be broadcast by licensees and the kinds of sponsorship announcements that particular programs may carry.

Providers of subscription services, whether these are pay TV or those provided under a class licence, will need to develop a code for their dealings with their customers. This can cover billing methods, fault repair, privacy and credit management.

Commercial broadcasters will need to develop a code of practice in regard to the amount of broadcasting time devoted to advertising. Operators under class licences (who may also advertise) are not required to develop such a code.

While commercial radio needed to develop a code for Australian music content, community radio broadcasters and radio stations operating under class licences need not.

The recent decision to allow temporary access to the sixth channel in several cities by community television groups has implications for the application of

codes. These educational and community groups will be operating as open narrowcasters and therefore are not subject to the provisions which will eventually apply to community television licences.

Principally this means:

- they are not subject to the children's television standards, nor is there an obligation to develop a code of practice in this area.
- they are not subject to the sponsorship provisions of the Act and consequently they are not required to develop a code on sponsorship.
- they will be able to advertise, but unlike commercial broadcasters they are not required to develop a code of practice on advertising time.

As open narrowcasters they will need to abide by codes applicable to that industry sector, as and when they are developed by the sector.

PROGRESS WITH CODE DEVELOPMENT

So far the ABA has been presented with proposed codes by two industry sectors, i.e. commercial radio and commercial television. The Federation of Australian Radio Broadcasters (FARB) has developed codes of practice on programs unsuitable for broadcast, news and current affairs, advertising and Australian music content. These codes came into effect on 17 May (see opposite).

The Federation of Australian Commercial Television Stations (FACTS) has developed codes on program classification, program promotion, news and current affairs, commercials and complaints. These codes are currently being assessed by the ABA (see opposite).

The national broadcasters, the ABC and the SBS, have also developed their codes and notified the ABA. These codes are now in operation.

