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## Revised commercial radio codes of practice registered

The ABA has registered revised Commercial Radio Codes of Practice which cover new Australian music, language, complaints handling and compliance with the codes.

The main addition to the revised codes is a requirement that major music stations must broadcast a certain amount of 'new' Australian music. The intention of this requirement is to provide much needed airplay for new and emerging Australian artists.

Other provisions cover publicising and formally reviewing the codes, clarification of the rules regarding the use of coarse language and sexual material, and changes to how radio stations respond to written complaints about matters covered by the codes.

'The provision for new Australian music is a welcome addition to the codes and shows the commitment of broadcasters to the Australian music industry,' said Gareth Grainger, ABA Deputy Chairman. 'The ABA is encouraged by the commercial radio industry's positive approach

during this codes review.'

The revised codes came into effect on their registration on 21 October 1999, replacing the corresponding original May 1993 codes.

The revision of the existing codes concerning news/current affairs/talkback programs, advertising, and broadcasting the words of identifiable persons will not be concluded until after the completion of the ABA's current investigation into certain commercial arrangements entered into by talk-back radio presenters. Any changes to these codes that are made as a result of the findings of the ABA's investigation will be incorporated into revised codes which will then be submitted to the ABA for registration. Until this occurs the current codes covering these areas will remain in force.

The revised codes will be reviewed after three years of operation.

### Process

The revised codes were developed by FARB and submitted to the ABA for

consideration in August 1999 after six weeks' public consultation.

ABA officers and Members met with FARB a number of times to discuss the safeguards provided by the draft revised codes on various key issues. These included FARB's response to the recommendations of the 1998 Senate Select Committee on Information Technologies regarding sexual content in radio programs, publicising the codes, formally reviewing the codes and complaints handling procedures.

In March 1999, following representations made to FARB by the Minister for Communications, Information Technology and the Arts and by the ABA, FARB submitted to the ABA a proposal for the introduction into the codes of a requirement for the broadcasting of 'new' Australian music on commercial radio.

'New' Australian music is defined in the revised codes as,

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.

### Developing codes of practice

The Commercial Radio Codes of Practice were developed under the provisions of section 123 of the *Broadcasting Services Act 1992*. This sets down Parliament's intention that groups representing particular sections of the broadcasting industry will develop, in consultation with the ABA and taking account of any relevant research by the ABA, codes of practice that are to be applicable to those sections of the industry.

The Act sets out a number of matters to which codes may relate. These include preventing the broadcasting of programs that, in accordance with community standards, are not suitable to be broadcast by that section of the industry. Another high priority is the need to ensure that children

### Copies of the codes:

are on the ABA's web site, [www.aba.gov.au](http://www.aba.gov.au) or from the ABA on (02) 9334 7700.



are protected from exposure to program material that may be harmful to them. Codes may also relate to the broadcasting of Australian music on commercial radio and also to methods of handling complaints from the public.

In developing the codes the industry is required to take account of community attitudes to matters such as the portrayal of violence, sexual conduct, and the use in programs of offensive language. The industry is also required to take account of concerns about the way the use of drugs, including alcohol and tobacco, is portrayed.

Section 123(4) of the Act states that the ABA must include a code of practice in the Register of codes of practice if it is satisfied that:

- (i) the code of practice provides appropriate community safeguards for the matters covered by the code; and
- (ii) the code is endorsed by a majority of the providers of broadcasting services in that section of the industry; and
- (iii) members of the public have been given an adequate opportunity to comment on the code.

### **Additional features of the codes**

FARB has included the following additional features in the revised codes:

#### **Introduction**

The revised codes now include an opening paragraph setting out their purpose.

The revised codes now include a requirement that they be formally reviewed after they have been in effect for three years.

#### **Code of Practice 1—Programs Unsuitable for Broadcast**

In this code 'programs' is now defined as all matter broadcast.

A proscription on the presentation as desirable the misuse of drugs or narcotics has been amended to a proscription on the presentation as desirable the use of illegal drugs and narcotics.

The favourable depiction of suicide and the presentation of suicide as a means of achieving a desired result is now included as 'proscribed matter'.

As a result of submissions from the public, the broadcast of a program that is likely to incite or perpetuate hatred against or vilify any person or group on the basis of age is proscribed in the revised code.

Restrictions on the broadcast of programs with sexual content or a sexual theme have been introduced. As a result of submissions from the public, warnings about programs with an explicit sexual theme as the core component must be made at hourly intervals during the broadcast of the program as well as prior to the commencement of the program.

#### **Code of Practice 4—Australian Music**

There are several major changes to this code:

- a new format category has been created to cater for the increased diversity of station program formats since the original codes were registered in 1993. This new category must play at least 20 per cent Australian music and increases the total number of categories to five;
- smaller regional stations (which under the original code were required to play 10 per cent Australian music) are now

subject to the same requirements regarding minimum quotas for Australian music as metropolitan and larger regional stations; and

- a minimum percentage requirement for the playing of 'new' Australian music by stations whose format comes under categories A, B and C. The revised code requires that 25 per cent of Australian music played by category A stations (required to play a minimum of 25 per cent Australian music) must be 'new'. Similarly, the 'new' Australian music requirements are 20 per cent for category B stations and 15 per cent for category C stations.

Clause 4.3(d) of the revised code states that the requirement for the playing of 'new' Australian music does not apply to a licensee whose format is such that new releases are not part of its weekly play lists. This clause was inserted to take into account those stations in category C whose format is classified as 'Gold' (i.e. classic hits from the 50s to the 80s). Such a format would not, by definition, be able to incorporate the playing of 'new' Australian music. FARB therefore believes that without the inclusion of this exemption 'Gold' formatted stations would have to be moved to category D, where there is no requirement for the playing of 'new' Australian music and where there is a requirement to play only 10 per cent of Australian music overall.

#### **Code of Practice 5—Complaints**

This code has been tightened up considerably and the main changes are as follows:

- a complaint is now defined as a written assertion made to a licensee or a person at the

radio station concerned who is acting with the apparent authority of the licensee;

- a time limit of 30 days within which a written complaint must be responded to has been specified; and
- complaints need not be responded to if they are made more than 30 days after the broadcast being complained about or if they are provided anonymously or if, in the reasonable opinion of the licensee, they are frivolous, vexatious or an abuse of the complaints process.

#### **Code of Practice 7—Compliance with the Codes**

This is a new section and contains two main provisions:

- a failure to comply with the codes will not be a breach if that failure is due to a reasonable mistake or reasonable reliance on information supplied by another person, or due to an act or default of another person or to an accident or some other cause beyond the licensee's control; and
- licensees must, at least once a week and at different times and in different programs from week to week, broadcast an announcement publicising the existence of the revised codes and a general description of their nature and operation.

### **Implementation**

FARB has advised the ABA that industry training on the new codes will take place over the next few months. Commercial radio staff will be made aware of the changes to the codes and relevant procedures will be introduced or amended. This will ensure as smooth a transition as possible between the original codes and the revised codes.