



1CMS community radio

Complaints handling, records of matter broadcast

The complaint

On 7 September 2000, the ABA received a complaint about two broadcasts on community radio station 1CMS. The broadcasts were part of the 'Voice of Sri Lanka' programs of 24 June and 8 July 2000. The complainant alleged a number of clauses of the Community Broadcasting Code of Practice had been breached. Most relevantly, the complainant pointed to potential breaches of the complaints handling procedures set out in the code.

Relevant code of practice and legislation

The relevant code of practice is Community Broadcasting Code of Practice, Code 7 — Complaints handling (see box on page 15).

Clause 5(2) of Schedule 2 to the Broadcasting Services Act states:

If a broadcaster broadcasts a matter relating to a political subject or current affairs, being matter that is in the form of news, an address, a statement, a commentary or a discussion, the broadcaster must cause a record of the matter to be made in a form approved in writing by the ABA.

Decision

The ABA found breaches of clauses 7.2, 7.3, 7.5 and 7.6 of the code and clause 5(2) of Schedule 2 of the Broadcasting Services Act.

In relation to 7.2, the licensee asserted that while it briefed all of its broadcasters about their obligations under the code, it did not monitor whether programs broadcast information about the codes (noting that, as an ethnic broadcasting service, the fact that most programs are in languages other than English makes any monitoring difficult). The ABA determined that the licensee had breached code 7.2, which requires licensees to provide regular on-air information about the code.

The ABA did not consider the licensee had made reasonable efforts to resolve this com-

plaint, as required under 7.3 of the code. The ABA noted that, while the Association's constitution devolves considerable autonomy to the ethnic groups that make up the Association, the licensee has overall responsibility for ensuring compliance with the code. In relation to 7.3, this means the licensee must be confident that each ethnic group has procedures in place for complaints handling, and for advising the licensee of unresolved complaints. In this case, the licensee's failure to oversee the situation meant the complaint was not adequately addressed.

In relation to 7.5 and 7.6, the licensee stated that the complainant had demonstrated in his letters to the ABA and that station that he was familiar with the code of practice and his right to refer matters to the ABA. The ABA considered, however, that the licensee had not fulfilled its obligations in this regard. Ensuring this information is always disseminated as part of the complaints handling process will prevent the licensee from making erroneous assumptions about the extent to which any particular complainant is familiar with the code.

In the process of investigating this complaint, the ABA also found the licensee breached clause 5(2) of Schedule 2 of the Broadcasting Services Act by not keeping appropriate records of matter broadcast. The licensee stated that, since gaining a permanent licence, it had upgraded its record keeping procedures to comply fully with the Act.

Action taken

The licensee advised the ABA of procedures it had put in place to improve its compliance with the complaints handling procedures in the code. These measures included producing a station message to convey information to listeners about the code, and amending procedures to ensure all complainants automatically receive a copy of the code and are advised of their right to refer matters to the ABA. The ABA is satisfied with these steps, and does not propose to take further action. The ABA is concerned, however that the licensee adopt a more proactive approach to the management of complaints in the future. 