



# **CODE OF PRACTICE**

## **98.3 FM COLAC AND DISTRICT 88.7 FM ALONG THE COAST**

### **General Guiding Principals:**

**OCR FM will follow the same general principles that unite all community broadcasters across Australia.**

In pursuing these OCR FM will endeavour to:

- Promote harmony and diversity in contributing to a cohesive, inclusive and culturally diverse Australian community;
- Pursue the principles of democracy, access and equity, especially to people and issues under-represented in other media;
- Enhance the diversity of programming choices available to the public and present programs which expand the variety of viewpoints broadcast in Australia;
- Demonstrate independence in their programming as well as in their editorial and management decisions;
- Support and develop local and Australian arts, music and culture in the stations programming, to reflect a sense of Australian identity, character and cultural diversity;;
- Widen the community's involvement in broadcasting;
- OCR FM's Community, broadcasting services are provided for community purposes and are not operated for profit\* or as part of a profit making enterprise (section 15 BSA) Guidance Note: \*Not-for-profit relates to the corporate structure of a station and not to a stations ability to generate' surpluses from year to year in annual budgets.

### **Code No. 1: OCR FM's Principles of Democracy, Diversity and Independence**

**To ensure OCR FM follows the; Guiding Principles' mentioned above in the day to day operations and programming, OCR FM will:**

- 1.1 Ensure access and equity and encourage participation by those not adequately served by other local media;
- 1.2 Be controlled and operated by an autonomous body which is representative of the community of interest.
- 1.3 Have organisation mechanisms to provide for active participation by the local community in OCR FM's management, development and operations.
- 1.4 Incorporate practices which oppose 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.

# Code No. 2: OCR FM Guidelines for All Programming

The purpose of this code is to encourage programming that reflects the principles of community broadcasting; to break down prejudice and discrimination; and to prevent the broadcast of material, which is contrary to community standards.

2.1 OCR FM shall not broadcast material which may;

- Incite, encourage or present for their own sake violence or brutality;
- Simulate news or events in such a way as to mislead or alarm listeners; or
- Present as desirable the misuse of drugs including alcohol, narcotics and tobacco.

2.2 OCR FM will 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.

2.3 OCR FM Shall not broadcast material which may stereotype, incite, vilify, or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race occupation, cultural belief or political affiliation. The requirement is not intended to prevent the broadcast of material which is factual, or the expression of genuinely held opinion in a news or current affairs program, or in the legitimate context of a humorous, satirical or dramatic work.

2.4 OCR FM will establish programming practices which protect children from harmful program material.

2.5 OCR FM will respond to community needs for instance; Play a flexible role in disseminating emergency information.

## News and Current Affairs Programming

**This code is intended to promote accuracy and fairness in news and current affairs programs.**

2.6 News and current affairs programs (including news flashes) should:

- Provide access to views under-represented by the mainstream media;
- Present factual material accurately and ensure that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;
- Clearly distinguish factual material from commentary and analysis;
- Not present news in such a way as to create public panic or unnecessary distress to listeners;
- Not misrepresent a viewpoint by giving misleading emphasis, editing out of context or withholding relevant available facts.

## Indigenous Programming and Coverage of Indigenous Issues

**This code acknowledges Indigenous peoples' 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)

2.7 When reporting on Indigenous people and issues, OCR FM will take care to verify and observe the best way to respect Indigenous cultures and customs by;

- Considering regional differences in the cultural practices and customs of indigenous Australians.
- Seeking appropriate advice on how to best respect Indigenous bereavement customs on the reporting of people recently deceased.

- Using the appropriate words and phrases for referring to an Indigenous Australian and his/her regional group.

2.8 Broadcasters will seek to involve and take advice from Indigenous Australians, and where possible Indigenous media organizations and/or Indigenous broadcaster, in the production of programs focusing on Indigenous people and issues.

2.9 Broadcasters will avoid prejudicial references to, or undue emphasis on a person who is Aboriginal or Torres Strait Islander.

**Practice Notes:** The CBAA will support OCR FM in this area of work by providing contact details and referring enquires on to the most relevant Indigenous media contacts in Australia.

## **Code NO. 3: Australian Music Content**

'**Australian Music**' is defined as any music composed or performed by a citizen or ordinary resident of Australia including Indigenous Australian music. This code reinforces the community broadcasting sector's reputation as a medium committed to developing and recognising Australian composers and/or performers by providing opportunities to have their material broadcast.

**OCR FM will ensure the proportion of the total number of musical items broadcast:**

3.1 Consist of not less than 25% of Australian music items.

3.2 Actively promotes and supports local Australian musicians through their local radio shows, through outside broadcasts at music festivals, and partnerships with community organizations.

NB. The music requirements cited excludes the use of music in sponsorship announcements and program or station promotions.

**Guidance Note:** In the interests of best practice OCR FM endeavour to play more Australian Music than the minimum requirements outlined in Code 3.

## **Code NO. 4: Sponsorship**

**OCR FM will augment the sponsorship conditions set down in Schedule 2 of the BSA, including;**

4.1 The requirement that not more than 5 minutes of the sponsorship announcements by broadcast in any one hour(Schedule 2 clause 9(3)).

4.2 The need for each sponsorship announcement to acknowledge the financial support of the sponsor (Schedule 2 clause 2(2) (b) (ii)).

4.3 OCR FM will ensure active participation by the community in the station's management, development and operations, ensuring that sponsorship will not be a factor in determining access to broadcasting time.

4.5 OCR FM will ensure that the content and style of individual programs is not influenced by the sponsors of programs.

4.6 OCR FM will ensure that overall programming of its community broadcasting is not influenced by sponsors.

## **Code No. 4a: Community Announcements:**

**There are no statutory restrictions of the broadcast of legitimate community service announcements in Community Broadcasting (Schedule 2, clause 2 (2) (a)).**

A community service announcement is defined as:

4.7 An announcement for which no payment is made, either in cash or in kind.

## Code No. 5: Volunteers

**The purpose of this code is to recognise the OCR FM reliance on volunteer workers for its continued operation and to ensure that the rights and responsibilities regarding volunteering are addressed by us.**

- 5.1 OCR FM will have guidelines in place that outline;
  - Principles of volunteering.
  - The rights and responsibilities of volunteers within the organization.
  - The roles and responsibilities of the OCR FM Committee of Management.
- 5.2 OCR FM will make these guidelines easily available to all volunteers in document form.

## Code No. 6: Conflict Resolution for Internal Disputes

**The purpose of this code is to ensure OCR FM has appropriate dispute resolution procedures in place to deal with internal disputes. This code also ensures OCR FM acts in a timely and conscientious manner in resolving disputes, and actively manages the conflict resolution process.** 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. The role of the ABA is to determine whether the Code of Practice has been implemented and not to determine the outcome of disputes. The ABA cannot resolve disputes or offer a mediating role for internal conflict resolution.

- 6.1 a complaint process chart will be easy to access by all OCR FM members for example be supplied as part of the station induction and training processes, and be posted on notice boards).
  - 6.2 OCR FM will respond promptly to any complaint made in writing, relating to station activities, its licence conditions, and responsibilities under the code, to a licensee or to a person at the station acting with apparent authority of the licensee, by a station member who provides his or her name and address.
  - 6.3 OCR FM is committed to acknowledging in writing all complains within 30 days of receipt along with a copy of the stations policy and procedure document.
  - 6.4 Include a commitment to begin resolution of the conflict within 60 days of receipt of complaint in a conscientious and impartial manner.
- NB. OCR FM is under no obligation to respond to or record comments provided anonymously to the licensee.

## Code No. 7: Complaints Practice and Procedure

**Handling Complaints from the Public. The purpose of this code is to outline the most appropriate way for OCR FM to respond to complains, or comments from the public.**

- 7.1 OCR FM acknowledges the rights of their audiences to comment and make complains in writing concerning (A written complaint or response can be a letter, fax or email);
  - Compliance with the Codes of Practice or a condition of the licence.
  - Program content.
  - The general service provided to the community.
- 7.2 OCR FM will provide a minimum of 50 on-air announcements every year containing information about Community Broadcasting.

### **Stage 1: Investigation and internal complain resolution.**

OCR FM will investigate complaints with all parties concerned by a nominated officer with the authority to represent OCR FM (e.g. President), or a complaints committee made up of representative of the board of management or other impartial members appointed to the committee:

#### **The investigation process will generally follow these steps:**

- Establish if there has been any breach of station policy, broadcasting law, or other legal requirement.

- Recommend appropriate action in relation to programmers/volunteers/staff if a breach has occurred.
- Negotiate for dispute resolution by managing discussion between disputants, which is aimed to bring about agreement or a settlement of opposing demands or attitudes.
- Recommend appropriate legal response if legal action is likely or is taking place.
- Recommend appropriate response to the complainant/s after taking legal advice if necessary.
- Recommend appropriate action/s needed to avoid future breaches.
- Write to all parties involved in the instigating outlining the outcomes of the investigation and informing them that they have a right to lodge a letter of Appeal regarding the determination made by the investigating party to the full board of the station at their next sitting.

7.3 OCR FM will make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, vexatious or not made in good faith. In a fair, transparent and impartial investigation process;

7.4 OCR FM will ensure that;

- Complaints will be received by a responsible person in normal office hours.
- Complaints will be conscientiously considered, investigated if necessary and responded to as soon as practicable, and to provide all parties involved with reasonable notice of meetings.
- Complaints will be responded to in writing within 60 days of receipt (as required in the BSA Section 14B), and will include a copy of the Community Broadcasting Code of Practice.
- Complainants are advised in writing that they have the right to refer their complaint to the ACMA provided they have first;
  - Formally lodged their complaint with OCR FM.
  - Received a substantive response from OCR FM and are dissatisfied with this response.

7.5 A record of complaints in a permanent form will be maintained, for a period of at least 2 years, by OCR FM and will be made available to the ACMA on request, in a format advised by the ACMA.

## **Stage 2: Mediation**

### **Where Complaints are not resolved through the findings of the investigation process;**

- To provide access to some form of independent mediation processes where resolution is not easily achieved or if reasonable outcomes for all parties cannot be achieved. (A range of free services are available to not-for-profit organisation, or OCR FM may use a person/party agreed by all to be independent and impartial to mediate an outcome).
- Consider impartial legal or other expert advice as required in managing internal complaints from OCR FM members.

### **OCR FM has the following commitments:**

- Where mediation is involved, to make all reasonable effort to resolve the internal conflict within 90 days.
- Access to an appeals process.
- To respect all individuals rights to privacy and to fair and equal treatment.

# **Code No. 8: Compliance with Privacy and Confidentiality Laws**

**The purpose of this code is to ensure OCR FM complies with relevant Privacy Laws to protect individuals.**

8.1 OCR FM will not use material which relates to persons personal or private affairs and will not tolerate unwarranted and intrusive invasions of privacy.

8.2 OCR FM will respect each person's legitimate right to protection from unjustified use of material; ensuring consent is obtained from the individuals involved.

8.3 OCR FM will not broadcast the words of an identifiable person unless:

- That person has been informed in advance that words may be transmitted.

- That the manner of recording has made it clear that material may be broadcast.

8.4 OCR FM will avoid unfairly identifying a single person or business when commenting on the behaviour of a person, group or business, and will exercise sensitivity in broadcasting information relating to people in vulnerable situations, eg; Accident, Bereavement, Death, Criminal matters etc.

## **Code No. 9: Review of Codes**

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

9.1 The Community Broadcasting Sector, as coordinated by the sector organization representing the majority of licensees like OCR FM 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.

9.2 Prior to any changes to the codes, the sector, as represented by the sector organization representing the majority of licensees, will consult with the ACMA, and seek agreement with the majority of community broadcasting station, together with public comment.

9.3 OCR FM will review its Code of Practice every 5 years minimum to reflect any changes in ACMA legislation mentioned above.

## **Code No. 10: Reporting and Record Keeping**

**To ensure OCR FM can make a full response to the ACMA if requested, OCR FM will include in their procedures the following steps:**

10.1 OCR FM will keep a record of material relating to broadcasts including; logging tapes or audio copies of all broadcast material, and written documentation for minimum of 6 WEEKS, including;

- The date and time any complaint was received;
- The name and address of the complainant;
- The substance of the complaint;
- The substance and date of the licensee's response.