



CBAA review of the Community Radio Broadcasting Codes of Practice



Response from
First Nations Media Australia



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FNMA acknowledges the traditional custodians of the lands on which we work. We pay respect to Elders past, present and emerging.

This submission is made by First Nations Media Australia. Some members may make individual submissions in which case the First Nations Media Australia submission should not be taken to replace those submissions.

About First Nations Media Australia

[First Nations Media Australia](#) (FNMA) is the peak body for the First Nations media and communications industry. Our purpose is empowering Australia's First Nations people through our culturally connected media industry. As at December 2022, FNMA's membership includes 36 organisations and 40 individuals who work in or alongside the industry as broadcasters, freelance journalists, photographers, filmmakers and allies. Our head office is in Alice Springs, complemented by some team members working remotely from different corners of the country.

First Nations Media Australia supports and amplifies the First Nations media sector and its objectives through [Our Media Matters: 9 Calls for Action](#) campaign. Our activities include resource and policy development, skills development, networking events and meetings, content-sharing, promotion, regular communications, annual awards, research activities and representation. As part of its industry leadership role, FNMA seeks to ensure First Nations communities have access to information required to make informed decisions, including access to public resources such as broadcast spectrum necessary to provide timely and relevant information to First Nations communities.

This submission is informed by ongoing consultation with its membership, the broader media sector and FNMA's participation in discussions as a member of the Coalition of Peaks. It was prepared by FNMA's Senior Policy Officer, Dr Eleanor Hogan.

About the First Nations broadcasting and media sector

First Nations media organisations are predominantly not-for-profit community organisations, based in local communities and employing local people as broadcasters, journalists and media producers. The sector reaches significant audience share with 91% of people in remote First Nations communities being regular listeners to radio services and watching Indigenous Community Television (ICTV) at least once per month. In the remote context, First Nations media is the most reliable and ubiquitous radio and media service available to its audience. It is a local and trusted voice, attracting listeners who want to hear about their own communities, in their own language, sharing positive Indigenous stories. The communications sector provides enabling services to support opportunities and outcomes in service sectors, such as health and education, and promotes inclusiveness and participation.

The First Nations broadcasting sector includes over 230 radio broadcast sites coordinated by 35 licensed, community-owned, not-for-profit organisations. These radio services reach around 320,000 First Nations people, including around 100,000

very hard-to-reach people in remote Indigenous communities, or approximately 48% of the First Nations population. Radio services are prevented from providing a primary radio service to all Aboriginal and Torres Strait Islander peoples due to a lack of funding and spectrum availability. Established stations broadcast live shows, plus interviews, radio documentaries, news, emergency information, community events, government and other messaging within community broadcasting guidelines through these platforms:

- 157 stations broadcasting on FM
- 4 stations broadcasting on AM
- 13 broadcasting via VAST satellite, in addition to FM services
- 5 metropolitan services broadcasting via DAB+, in addition to FM services in Sydney, Melbourne, Perth, Brisbane and Darwin
- Almost all offer online streaming via a dedicated station website
- Many offer on-demand content either through the station's own website, or SoundCloud or podcast site
- 26 stations can be streamed via the indigiTUBE website and app

Some stations also have their own application or use the TuneIn or iHeartRadio apps to reach audiences. These channels offer a wide range of programming, including news and current affairs reporting from a First Nations perspective, in over 25 Indigenous languages nationally, including the first language of many people in remote communities.

A strong First Nations owned media industry enables Aboriginal and Torres Strait Islander people to access to relevant news, information services and emergency warnings and to actively participate in the appropriate delivery of media and information services for their communities. First Nations media is uniquely placed to hear and share communities' strengths, priorities and concerns, and to provide First Nations communities with with the information they need.



Introduction

FNMA appreciates the Community Broadcasting Association of Australia (CBAA)'s commitment to reviewing the Community Radio Broadcasting Codes of Practice (the Codes) to ensure they reflect contemporary community standards, and the opportunity to provide feedback on a draft of the revised Codes. The review's intent to make the Codes clearer and more accessible for greater clarity and to enable stations to meet their communities needs in ways that work best for them is very welcome, especially given that diverse and marginal community groups, including First Nations people, often participate on a voluntary basis in the community broadcasting sector.

In this context, FNMA is pleased to note the inclusion of new guiding principles in the Codes committed to the self-determination of First Nations peoples, and to overcoming prejudice and discrimination. We also acknowledge the CBAA's efforts to make the Codes more user-friendly through improving the layout and by providing reminders of relevant legislative matters.

FNMA provides in-principle support for most of the key changes to the Codes. This submission provides specific comments on the CBAA consultation paper sections which relate to community broadcasting within the First Nations media sector, including responses to the four feedback questions in the review's Explanatory Material. It also makes suggestions regarding material and resources for inclusion in the Guidance Material, where relevant.

Comments on the Community Radio Broadcasting Codes of Practice – Consultation Draft October 2022

Guiding principles

1. As the peak body for Aboriginal and Torres Strait Islander media industry, committed to representing the goals and aspirations of community-controlled First Nations broadcasting services, FNMA welcomes the inclusion of 'We are committed to the self-determination of Aboriginal and Torres Strait islander peoples' as a guiding principle in the revised Code.
2. We also welcome the inclusion of the principle: 'We work to overcome prejudice and discrimination.'
3. FNMA notes the inclusion of 'celebrating languages' within the guiding principle, 'We contribute to an inclusive, harmonious Australia by celebrating languages and cultural diversity'. This addition aligns with Target 16 of the Closing the Gap Agreement: 'By 2031, there is a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken.' However, we suggest this principle be strengthened by adding 'recognising' or 'supporting' to 'celebrating languages' (for example, 'supporting and celebrating') to underscore the pivotal role that First Nations and other culturally and linguistically diverse community broadcasting services play as a channel for government and community messaging to

people who do not speak English as their main language.

Legislative Matters

1. FNMA supports the inclusion of 'Other Legislative Matters' breakout boxes throughout the Codes document to provide reminders of relevant legislative matters that are not part of the Codes, to assist stations in maintaining good governance and compliance with other legislative obligations.

New Code 1: Application

1. FNMA supports the inclusion of a new obligation (1.2) that recognises non-compliance with the Codes due to a reasonable mistake or in respect of a minor matter will not be a breach in line with other industry Codes.

New Code 2: Governance

1. FNMA supports the simplification of the existing obligation to make key governance documents publicly available in the Code.
2. FNMA suggests that the obligation to keep a register of financial members be included under 'Other Legislative Matters' to make sure it is not overlooked: e.g., 'Aside from broadcast regulation, there are other important legal requirements you must follow, such as keeping a register of financial members.'

New Code 3: Our Community

1. FNMA supports the proposed changes to this section streamlining the existing requirements for stations to have in place specific policy documents (covering community participation and volunteering) and the greater flexibility extended to stations to determine how they reflect the needs of their local communities of interest and promote community participation.
2. We understand that the addition of a guiding principle dedicated to Aboriginal and Torres Strait Islander peoples' self-determination is to inform all activities governed by the Code, and that Code 7 specifically address First Nations Engagement and Programming. Nevertheless, given the longstanding need for recognition and inclusion of First Nations peoples and broader in communities of interest and in planning and producing broadcast programs, and the increasing awareness of the benefit of First Nations cultures for all Australians, we encourage some form of linkage to the guiding principle and/or Code 7 to provide a reminder to community broadcasters about including First Nations people in 3.2 and 3.3 of this Code.

New Code 4: Material not suitable for broadcast

1. FNMA supports the inclusion of a separate Code 4 replacing the former 'Code 3: General programming' to set out what material is not suitable for broadcast.
2. FNMA welcomes the redrafting of Code 4.1 h) with the Human Rights Law

Centre in line with current community standards.

3. We also welcome the inclusion of a new Code (4.1 c) d)) to address community concerns about the expansion of gambling promotion.

Section 5: News and Journalistic Content

1. FNMA welcomes the introduction of Code 5 as a standalone code, highlighting the specific obligations relating to news and journalistic content, including the new requirements to ensure factual material is represented accurately and impartially, and not to broadcast any misinformation or disinformation. These obligations are essential during an age of 'fake news' and deliberate misinformation, and to make sure that the community broadcasting sector is a reliable source of information which members of diverse and marginalised communities can trust for accurate information and factual material.

New Code 6: Emergency Information

1. FNMA welcomes the addition of 'Code 6: Emergency Information' as a standalone code which acknowledges the vital role that community broadcasters play in providing emergency information and messaging – which is especially the case for First Nations broadcasting sites, which often provide the main channel for emergency and other messaging to hard-to-reach First Nations people in remote areas. McNair Ingenuity's 2016 Indigenous Media and Communications Survey found that Local First Nations radio was the primary source of government information for almost 70 % of First Nations people in very remote areas and almost 40 % in remote areas.
2. In line with the proposed reference in the Code's Guiding Principles to Australia's languages in celebrating cultural diversity, and in recognition of the role of community broadcasters in emergency messaging, especially those serving remote-living First Nations people, we recommend that the Code 6 include a further clause:
'd) information in the main languages other than English spoken in the broadcast licence area'.

New Code 7: First Nations Engagement and Programming

1. FNMA notes CBAA's consultation with Reconciliation Australia to develop Code 7 to reflect the key principles of a Reconciliation Action Plan.
2. We welcome the use of more inclusive language in representing First Nations people's participation and engagement in community broadcasting and programming, rather than as the subjects of reporting.
3. While we understand that the CBAA is seeking to simplify and streamline the Codes to improve their accessibility, we query the omission of guidelines relating to specific aspects of cultural protocols and practices, and respectful and appropriate language, which were flagged in the previous Code at 4.2 a)– d): – for example, regarding respect for Indigenous bereavement customs and being mindful of regional differences. Although some progress has been made in raising public awareness of First Nations

peoples' cultural protocols and practices within the media and the mainstream Australian community, more education and awareness is still needed in this area. We recommend that you provide links to appropriate resources such as [Reporting on Aboriginal and Torres Strait Islander Peoples and Issues](#) in the Guidance Materials for community media workers to assist them in navigating First Nations peoples' protocols and practice in programming and reporting.

4. Given the deficit narratives that often inform reporting about First Nations people in mainstream and commercial media, and the impact this has on First Nations people's social and emotional wellbeing, we also recommend that the Codes link to resources such as FNMA and the Lowitja Institute's [Closing the Gap and First Nations Peoples Representation in the Media](#) report in the Guidance Material.

New Code 8: Australian Music

1. FNMA supports the simplification of the new Australian Music code.

New Code 9: Sponsorship

1. FNMA supports the removal of the obligations (to have a written sponsorship policy and to tag sponsorship announcements) which appeared in the previous Code to avoid duplication with the *Broadcasting Services Act 1992* and their inclusion in the "Other Legislative Matters" box.

New Code 10: Complaints and Disputes

1. FNMA welcomes the review of the previous Code to provide more clarity between internal complaints and disputes, and breaches of licence conditions, the *Broadcasting Services Act 1992*, and the Codes.
2. FNMA acknowledges the recommendation of a new obligation, Code 10.9, for community radio stations to consider using an independent mediator to assist in resolving disputes where an agreement or compromise cannot be reached.
3. Independent mediation is an avenue worth considering in dispute resolution, especially among groups that sometimes experience lateral violence (for example, through bullying, shaming, social exclusion, family and organisational conflict) as a consequence of colonisation and other forms of oppression. (See Aboriginal and Torres Strait Islander Commissioner, *Social Justice Report 2011*, Chapter 2: [Lateral violence in Aboriginal and Torres Strait Islander communities](#))
4. However, we request that consideration be given to the limited access to and resources for independent mediation and dispute resolution among many First Nations people and minority groups, especially those in living in disadvantaged and/or remote areas.
5. Consequently, we recommend that Code 10.9 be accompanied by references to resources and avenues of dispute resolution and mediation in the Guidance Material for Code 10, and that these references be culturally sensitive and promote cultural safety.

Concluding comments

FNMA commends the CBAA for embarking on a review of the Community Radio Broadcasting Codes of Practice to make them clearer and more accessible, and to support the participation of diverse community groups in developing, producing and distributing local content. In particular, we welcome the inclusion of a commitment to Aboriginal and Torres Strait Islander peoples' self-determination as a guiding principle for the Codes.

While we provide in-principle support for the key changes to the Codes, we recommend that clear references be made to Guidance material that provides further information resources to support and inform the application of the Codes, especially in relation to new Code 7.3 (First Nations Engagement and Programming) and new Code 10.9 (Complaints and Disputes).

