



Work effectively in
the Screen and
Media industries

WHO GOVERNS COMMUNITY RADIO

Australian Communications and Media Authority (ACMA)

ACMA oversees all broadcasting sectors including radio, television and broadband internet. They receive complaints from listeners and when necessary they investigate these complaints and make rulings about them. They also supervise broadcasting legislation and give out and remove broadcasting licences.



Australian Government
Australian Communications
and Media Authority

Community Broadcasting Foundation

The CBF is the independent body set up to distribute any funds given to the community broadcasting sector. Most of those funds come from the Federal Government. They are managed by a board elected by the CBAA, the National Ethnic Media Broadcasters Council, the Australian Indigenous Communications Association, the Council for the Print Handicapped and Radio for the Print Handicapped. All these organizations represent community broadcasters.



Community Broadcasting Association of Australia (CBAA)



The CBAA looks after the community radio and television sector. It is managed by a board elected by member stations. The CBAA lobbies for government funding and sets our codes of practice. It also runs many services including training, the Community Radio Satellite Service and the annual conference.

Station Board or Station Committees



These committees are made up of both station members and members of the local community. Under the codes of practice they must meet regularly and discuss the needs of the station. Funding and other projects for the station usually have to be okayed through the committee.



Station Management and Staff

Have the job of the day to day running of the station, managing finances and monitoring programming. They would be responsible for listener complaints or discipline of broadcasters. In some stations they are paid, at others they are all volunteers.



Volunteers/Station Workers

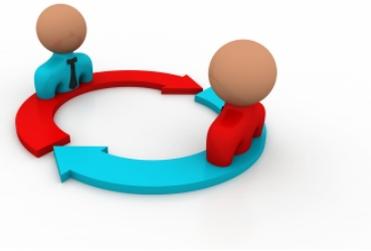
These are the people that sign up to become involved in all aspects of community radio from programming, administration and fundraising to name a few. Station workers are our greatest resource! According to CBOonline (www.cbonline.org.au) in 2009 there were over 23,000 broadcasters volunteering in Australian Community Radio and their work was valued at \$232 million per annum



Golden Rules for good feedback

Feedback is really important tool in radio broadcasting. For one very simple reason:

I m p r o v e m e n t !



However, whether you are giving or receiving feedback - from your program manager, trainer or program team - it can be scary! The human ego is a delicate thing, especially when taking constructive feedback. But it's important to remember that it's not personal, it's what will make a better program for your listeners.

Here are a few guidelines for asking for and receiving constructive feedback:

1. What's your Goal?

It's a good idea to know exactly what your goal is before asking for feedback. Is it to create the best country music program? Is it to become a better interviewer? Let people offering you feedback know exactly what is. Ask for advice about ways to achieve your goals.

2. Listen

Sounds obvious, but a different perspective or someone with more experience is exactly what you're looking for and may be just what you need. Listen even if the ideas are different from your own or someone is saying something negative about your performance as a broadcaster.

3. Ask Questions

Ask questions to make sure you understand the feedback. Make sure you ask people to tell you what you did well.

4. Invite constructive criticism

How well do you deal with criticism? For most people, their first reaction is to get defensive, or even lash out. However, thoughtful criticism can be much more useful than a sickly-sweet positive remark. Don't let your pride get in the way and pass up a great opportunity to take honest feedback, and improve. Notice your body language and relax!

5. Take the advice

Take the time to sort through the advice you've received and make the changes. Don't just get feedback for feedback's sake. Not only will this improve your broadcasting, it will make the whole team feel appreciated and inspire better radio.

Remember, you can't fix something if you don't know it's not working.

Here are a few guidelines for giving constructive feedback:

1. Be timely.

Time your comments well and respond as soon it's appropriate. It is no use offering feedback 3 weeks after the person's show.

2. Ask them first!

Before giving your opinion on someone's performance, find out what that person thinks. Ask something like, "How do you think that went?" That can give you some common ground to expand on. It also gets both of you thinking and analyzing.

3. Be respectful

First of all, acknowledge the hard work the team member has put in and be sensitive to their situation. Are they a newbie? Are they actively seeking advice? Are they a shy or confrontational person? Always make sure that this respect is reflected in your critiques.

4. Be specific

The more specific you can be, the better. Try to avoid generic comments like "change the intro", and instead provide specific suggestions that can be put in place quickly. Offer alternatives, demonstrations and details so that you are both on the same page.

5. Provide justification

Do you have a reason behind your feedback, or is it just your intuition? Whenever possible, provide examples, resources or educated reasoning that back up the advice you are offering to avoid a "battle of opinions". If it's just your intuition from experience or as a listener, that's fine, but let them know that.

6. Start with a Positive!

A healthy balance of pro's and con's keeps everyone happy. Never underestimate the confidence-boosting power of a compliment, but be open and direct with criticism. Remember, honest, well-meaning criticism can make the greatest impact.

Think of it as a feedback sandwich! Like this:

BREAD – the immediate, great things about the program

FILLING – what could be improved on

BREAD – great things about the program for the future



7. "Have you Considered?"

"Have you considered?" or "what about?" is an effective way of suggesting changes. Especially when dealing with someone new or "sensitive". This gives the other person the opportunity to offer their reasoning or ask questions and not feel "under attack".

8. Protect confidentiality.



Feedback can be a very personal thing and it should be kept that way. When you are giving feedback, make sure you're in a private setting free of distractions or, to make it less threatening, talk to the whole team and be more general. Don't blame.

Broadcast Law: The Basics

Here is a guide to some legal terms you need to know as a broadcaster. These laws are administered by the courts and may incur hefty fines or even jail time.

WHAT IS DEFAMATION?

Defamation is the law to protect people's reputations, and to balance this with protecting reasonable freedom of speech.

If someone thinks that you have broadcast anything that damages their reputation they can sue you and the judge will decide if it is defamation. If so, you could be ordered to pay fines, or damages to the person and payouts are often huge.

Anything that YOU play in your program may be liable for defamation, including anything a guest says, any pre-recorded material or anything written by someone else that you put to air.



You need to understand that you, your guest, your producer if you have one, the station AND the licence holder could be sued for defamation about something that you broadcast.

Never think that because you are broadcasting on a community station you can take the risk because you are not being heard by enough people. Public figures and companies employ media monitors to provide weekly reports on EVERYTHING that is said in the media about them. Many stations stream online too and can be heard all over the

world.

Someone can sue for defamation if:

- They think that they can be identified from what you have said. You don't have to NAME them, if you say enough about them that listeners would know them then you could still be sued. For example if you talk about "the owner of the chicken shop at ..." people would know who you mean.
- They think that what you say will damage their reputation.

For example, people have lost defamation cases because they:

- said a person is a coward, dishonest or cruel
- said that a public figure mis-used their position to look after their own private interests
- said that someone has committed a criminal offence
- broadcast comments which make a person look ridiculous, or damaged a person's professional reputation



A lie or wrong information about a person **COULD** be seen as defamation, but **ONLY** if a judge decides that it damages that person's reputation

Big corporations with 10 or more employees cannot sue. However, individuals or groups of individuals identified in a broadcast can still sue, such as company directors, managers, CEOs etc.

HOW TO MAKE SURE YOU ARE NOT SUED FOR DEFAMATION

1. Think carefully before you interview anyone. Is there a risk that they might say something that could lead to being sued? If you think there is a risk, then **PRE-RECORD** the interview.
2. Think carefully before you read anything on air that someone else has written, **CHECK IT BEFORE YOU READ IT OUT** and if you have any concerns check with a supervisor

Just because someone else has written or said something it **DOES NOT** mean you can repeat it safely. You can still be sued. Take extra care if you are reporting something that has been said in Parliament or in a court case. (See below)

Questions to ask yourself before broadcasting:

- Can the person be identified? Is there enough information for others to work out who the person is?
- Can you **PROVE** what you say is true? Under Australian defamation law this is the main thing you have to do, but if you have just heard or read something and cannot **PROVE** in court that it is true then you are taking a risk. Do you have evidence to support the facts? Would the people you have got information from (your "sources") be able to give evidence in court if necessary?
- Have you acted "reasonably"? Have you made reasonable attempts to get the person's response to things said about them on air? Have you included the responses in the broadcast?
- Can you trust your sources? Do they **WANT** to damage the person's reputation?
- Is the issue a matter of public interest? Do listeners **NEED** to know about this? Can you argue this in court?

- Does the broadcast talk about a person's public position? If not then you will find it hard to prove it was "reasonable" to broadcast it.
- Put yourself in the shoes of the person being talked about. Would you want to sue to protect your reputation?
- Which parts of the broadcast are facts? Which parts are suspicions or allegations? Is it clear which is which?
- Is it important to broadcast quickly? Can you wait to get a response from the person being talked about? Can you try to? Can you explain to a court why not?

You can defend yourself against defamation by arguing that what you broadcast was "fair comment". This means that you may comment on a matter of public interest as long as

- the comments are based on true information
- the opinions are "honestly held" by you, not designed to harm someone or their reputation
- the opinions are "reasonably based" on true information

REPORTING ON WHAT IS SAID IN PARLIAMENT, COURTS OR ROYAL COMMISSIONS

People speaking in these situations cannot be sued for defamation. What they say is "privileged". Reporting what they say has to be treated carefully. Media can repeat what has been said as long as it is a 'fair and accurate' report of what was said. You **MUST** make it clear who made the comments and where e.g.

"The Leader of the Opposition deliberately lied to police, according to a statement in the State Parliament today by the member for..."

You must not add **COMMENT** of your own. Be careful. You could be sued for broadcasting anything that "exerts improper pressure" on Members of Parliament, or brings Parliament into disrespect, or reveals the secret proceedings of parliamentary committees.

Court reporting must also be "fair and accurate". For example do not broadcast a report of the sensational parts of a trial, without reporting on the defendant's side of the story.

TAKE CARE. You and the station (the defendant) have to prove they did not defame, rather than the person complaining (the plaintiff) proving that you did!

WHAT IS CONTEMPT OF COURT?

You must not broadcast anything which could obstruct the course of justice. Contempt of court is punishable by a fine and/or imprisonment.

You cannot COMMENT once a person has been charged or summonsed, or while the case is before a court. A court case is not over until any appeals have been heard. During a case all the information and proceedings are protected or “sub judice”

It is a contempt of court to damage community respect for the justice system e.g. to suggest that a judge was biased or that a person received a light sentence for some reason

Prejudice of a Trial

Everyone is entitled to a fair trial, regardless of their record. Media MUST NOT say anything that would damage a person's fair trial. e.g. if you say "two persons murdered" rather than "two persons shot dead" it pre-judges the issue.

There are ways that you could damage someone getting a fair trial, especially if you interview a person who may be called to give evidence. You could create suspicion about a person who is not charged. You could influence a potential witness's future evidence. In worst case scenarios a trial may be cancelled because it has been prejudiced through media coverage. This happened when Derryn Hinch reported on a child abuse situation and the suspect couldn't be brought to trial because there had been so much negative publicity he could not receive a fair trial.

You must not broadcast anything which could obstruct the course of justice. Contempt of court is punishable by a fine and/or imprisonment.

Always get professional advice if you have any doubts

It is also possibly contempt of court for a person to refuse to reveal their sources. So be very careful about reporting anything said by a person who wants to remain anonymous. Eg Herald Sun's Gerard McManus and Michael Harvey received criminal records after refusing to reveal their source for a report about government plans to short-change war widows. In 2009 Australian journalists are campaigning around the detail in new “shield laws”. These are designed to allow journalists to use information without revealing the sources.

COPYRIGHT

The Copyright Act (1968) applies across Australia. As soon as a piece of creative expression is recorded in a material form (e.g. written down or recorded), it is protected by copyright. There is no copyright on an idea, but the law protects the ownership of dramatic, literary, musical and artistic works, and also films, sound recordings and broadcasts.

Copyright law is to make sure that creators are paid fairly for their work. It is a tricky balancing act between the artist's right to reward for creativity and the right of the community to freely circulate ideas and information. The work doesn't have to be particularly earth shattering. A station memo is protected in the same way as a novel

and an advertising jingle, or the same as a large musical work, provided they are recorded in a material form.

Information about all aspects of copyright is available from the Copyright Council of Australia www.copyright.org.au

Music

For broadcasters, copyright questions arise mostly, but not only, about music recordings, and it is important to understand the risks of breach of copyright.

Copyright is recognised as property, and it can be bought, sold, given away or left in a will. The owner of copyright in a musical work has the rights to copy, publish, perform broadcast or communicate the work. They have the right to arrange or adapt the work as well as all the rights of the original. Copyright in a musical work is granted automatic protection provided:

- the work is original, although it needn't derive from an original thought
- the writer is a resident of any country which belongs to one of the two main international copyright conventions
- the work is fixed in a material form e.g. a manuscript or a recording. There is no copyright protection of an idea.

Hard copy of a recording session is covered by copyright. Copyright exists in the recording of the work as well as in the work itself. To broadcast or copy that recording, two licences are required - one to reproduce the recording and one to reproduce the musical work itself. Music and lyrics are separate copyrights also.

The Copyright Act allows broadcasters to copy a recording specifically for broadcast on that station. This is called 'ephemeral rights' and it is given provided:

- the station has a licence (from a copyright collecting society like APRA) to broadcast the original recording
- the station doesn't make copies for any other purpose (e.g. for a person who requests a copy of the program, or for individual station workers' collections).
- the copy is destroyed within 12 months

How long does copyright last?

Once material is out of copyright it is known as being in the public domain. Don't presume something is out of copyright protection because the author is dead.

Copyright belongs to the creator of any music or lyrics from the time an idea is first fixed in "material form" (ie written down or recorded.) Since the Australia - US Free Trade Agreement in 2005 copyright expires seventy years from the year of the creator's death. Until then the expiry date was 50 years from the death of the creator. Material in the public domain at January 2005 remains there.

It is worth noting that material made in Australia for broadcast on TV or radio is covered by copyright until 50 years from the year of first broadcast.

Visit www.copyright.org.au for more specific detail about duration of copyright.

Copyright and the Internet

The Copyright Act was amended in 2001 by the Copyright Amendment (Digital Agenda) Act which ensures that ANY material broadcast or delivered over the internet is covered by copyright unless there is “implied permission” to use it, for example in a media release distributed by email. Sometimes specific permission to use material is listed on the website. Do not assume that all material on a website has the permission of the original creator either. If you use material from a website which does not have copyright clearance then you may be in breach of copyright.

FAIR DEALING

Fair dealing allows you to use a “portion” of a work (usually 10% or less) for purposes of review or research. This portion is not fixed, but a matter of legal judgement. It may be breach of copyright to give the impression that a work is your own if it is not. So be careful, you do not have to acknowledge the source, but it is a good idea to do so.

Broadcast Legislation: The Basics

THE BROADCASTING SERVICES ACT

Until 1992, broadcasting in Australia was regulated by the 1942 Broadcasting and Television Act. There had been major amendments, to allow for the introduction of television, FM and community broadcasting amongst other things. The 1992 Broadcasting Act created the Australian Broadcasting Authority, replacing the Australian Broadcasting Tribunal, which had significant powers over broadcasters through program standards that they had to meet. The ABA was structured to cope with new technologies and oversee all aspects of broadcasting and narrowcasting. Its main role was to supervise a new regime of self regulation, to help broadcasting organizations to develop their own codes of practice and to investigate complaints about breaches of those codes. The ABA has now become ACMA, The Australian Communications and Media Authority.

CODES OF PRACTICE

Under Section 123 of the Broadcasting Services Act, industry groups must develop Codes of Practice in consultation with the Australian Communications and Media Authority. The Codes may cover programming requirements, fairness and accuracy in news and current affairs reporting, complaints handling and sponsorship, among other matters. The Codes outline that the sector organisation representing the majority of licensees will be responsible for regularly reviewing and updating of the Codes. You can find a copy of the latest codes at www.cbaa.org.au



THE RACIAL HATRED ACT

Under the Act, unlawful behaviour is defined as public acts based on the race, colour, national or ethnic origin of a person or group of people which are likely to offend, insult, humiliate or intimidate.

Community broadcasting is obviously a public act. People can complain to the Human Rights and Equal Opportunity Commission (HREOC). Complaints are resolved in HREOC hearings, which are aimed at conciliation rather than punishment. More information at <http://www.hreoc.gov.au/>

The Racial Hatred Act was introduced in 1995, following the National Inquiry into Racist Violence, which was conducted by HREOC. The inquiry found that, “the perpetuation and promotion of negative racial stereotypes, and a tendency towards conflictual and sensational reporting on race issues and an insensitivity towards and often ignorance of minority cultures can all contribute to creating a social climate which is tolerant of racist violence.”

EQUAL OPPORTUNITY LEGISLATION

Equal Opportunity legislation, both State and Federal is also based on complaints from the public. Community broadcasters should be aware of behaviour on and off air which is likely to draw complaints.

Broadcast Law and Legislation: Who can you talk to?

Here are some suggestions of where you can find more information or advice.

Station or Program Manager – if you think you may have broken broadcasting law, the first person to speak to you would be your manager. They will then listen to the program and decide what action to take. This might be handling a listener complaint, damage control to avoid prosecution, or further training or suspension of the program. It is best to talk to them BEFORE there is a problem.

“If in doubt, check it out”



Australian Government
Australian Communications
and Media Authority

ACMA >> www.acma.gov.au/

The Australian Communications and Media Authority are responsible for managing broadcasting licences in Australia, and making rulings about Codes of Practice.

APRA >> <http://www.apra-amcos.com.au/>

Australasian Performing Right Association is a copyright collection society. They collect money from community stations as an annual license fees to broadcast music and distribute it as royalties to their members. They can also give advice on music copyright.

Australian Human Rights Commission >> <http://www.hreoc.gov.au/>

CBAA >> www.cbaa.org.au/

The Community Broadcasting Association of Australia is the governing body for all community media in Australia. They are responsible for setting the codes of practice.



Copyright Council >> www.copyright.org.au/

The Copyright Council is an excellent source of information and advice for all things copyright. It has many fact sheets on their website that you are allowed to download for personal use.