



INDUSTRY COMPLIANCE WITH THE COMPLIANCE PROGRAM STANDARD

**RESEARCH REPORT PREPARED FOR THE
AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY**

February 2010

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1. Introduction

1.1 Background

DBM Consultants was commissioned by the Australian Communications and Media Authority (ACMA) to undertake the *Industry Compliance with the Compliance Program Standard* study. This research examines compliance by commercial radio licensees with their obligations under the *Broadcasting Services (Commercial Radio Compliance Program) Standard 2000* (Compliance Program Standard).

The research explores the experience and performance of the commercial radio industry in meeting requirements under the Compliance Program Standard, as well as industry attitudes towards the standard. The research informs the current review of the commercial radio standards.¹

1.2 Research design and methodology

A survey of commercial radio licensees was undertaken, followed by data validation audits of a minimum of 10 per cent of survey respondents. Representatives of a select number of licensees that did not participate in the survey were also interviewed to verify reasons for non-participation and level of compliance with the Compliance Program Standard.

Survey Methodology

The target population for the survey was all commercial radio licensees (n=273). The survey was completed on a self-report basis by licensees (or their representatives) that agreed to participate in the research (n=250). The survey was completed on a per licence basis, with network representatives permitted to complete the survey on behalf of licensees within a network.

The survey was voluntary and conducted on a confidential basis. To ensure anonymity of survey respondents, DBM Consultants de-identified the data before providing it to the ACMA in aggregate form. As a result, the ACMA does not have information to identify responses provided by licensees. Licensees were informed that the ACMA intended to publish the research findings in aggregate form in an issues paper for the review of the commercial radio standards, as well as in a stand-alone report.



Survey design was guided by the provisions of the Compliance Program Standard. See the Appendix for the final survey instrument, which was developed by the ACMA and DBM Consultants, in consultation with industry representative body Commercial Radio Australia.

The results in this report are based on the total population of licences that participated in the study (n=250). Questions relating to the elements of the compliance program were asked only of respondents that indicated that they had developed a compliance program for their station or network. Survey responses were analysed by the following characteristics:

- State;
- Licence area;
- Population size of licence area;
- Gross earnings - generalised to bands;
- Location - metropolitan, regional, remote or Australia Wide;
- Ownership structure - networked or independent;
- Commercial radio licence type - Section 40 or Non-Section 40; and
- Licensees with presenters with commercial agreements.

¹ Information about the review of the commercial radio standards is available on the ACMA website at http://www.acma.gov.au/WEB/STANDARD/pc=PC_311945.

Significance testing was conducted at a 95% confidence level. The following is used to highlight significance throughout the report:

-  Indicates that a result is significantly higher than the total sample
-  Indicates that a result is significantly lower than the total sample
- The letters (A, B, C etc.) indicate a significant difference between sample sub-groups.

! and * Indicate that the sample size is below 30, and proportional results should be treated with caution. Results are provided as both percentages and raw figures.

Throughout the report, a # symbol is used to indicate that the response rate is lower than 70%.

Survey Collection Methodology

DBM Consultants wrote to commercial radio licensees to advise them that DBM were undertaking a survey on the Compliance Program Standard. This stated that the survey was voluntary and that the ACMA would not be able to identify the respondents.

DBM Consultants undertook computer assisted telephone interviews (CATI) of all commercial radio licensees to establish: (i) the appropriate person to complete the survey; (ii) whether a single network representative would respond on their behalf of the networked licensees; and (iii) check the preferred format of the survey (online or hard copy).

Cognitive testing of the draft survey was undertaken by three commercial radio licensees nominated by CRA. The results of the cognitive testing resulted in minor amendments to the survey.

Survey fieldwork was conducted in June 2009. To commence fieldwork for those requesting the survey via email to be completed online, DBM Consultants sent an email containing a link to the online survey. Those licensees who requested hard copies at the initial CATI phase were posted hard copies.

Prior to the survey deadline, DBM re-contacted those persons who had not yet responded to the survey and again invited them to do so. DBM extended the closing deadline for the survey by one week and re-contacted those persons who still had not responded to the survey.

Once DBM collated the survey responses, the non-respondent licensees were contacted by telephone in order to record reasons for non-participation.

Survey Response Rate

Response rate of licensees - Responses to the survey represent 250 of the total 273 licensees (91.7% of total commercial radio licensees).

Response rate of respondents - The initial CATI contact with licensees established that 40 persons represented the total population of commercial radio licensees. The survey was supplied to these 40 persons, of which 31 provided responses (77.5% of total potential respondents identified).

DBM Consultants contacted the nine licensees who did not participate in the study, of whom eight provided reasons for non-participation. Reasons for non-participation given by the licensees included:

- The email containing the survey (received after initial contact by phone to invite respondents to participate in the survey) was treated as spam, and deleted;
- The survey was deemed to be irrelevant by the intended participant;
- The licensee was too busy at the end of the financial year;
- Had a question that they didn't understand, but didn't have the time to follow up;
- Had been away and when came back was too busy on other projects;
- Emails forwarded from one part of the business to another, and not received by the correct person and not actioned until after the fieldwork period was complete;
- Confusion between two staff members over who was going to finish the survey; and

- It was not deemed a priority.

Data Validation Methodology

Validation audits were undertaken to validate the data collected through the survey. In light of the high response rate, random sampling was identified as the most appropriate basis for selecting the audit sample.

A total of twelve organisations participated in the validation interviews. These twelve represent 30.0% of the 40 organisations identified as representing the whole industry. The twelve represent a total of 143 licensees (or 52.4% of the total 273 commercial radio licences).

Participation in the validation interviews was voluntary and a representative of the radio network was permitted to respond on behalf of their licensees. Licensees that chose not to participate in the validation interviews gave the following reasons:

- Lack of time;
- Timeframe in which audits conducted not convenient; and
- Not interested in participating.

The validation interviews conducted with *respondent* licensees were intended to validate information collected in the survey through evidence gathering questions. While the majority of questions were targeted at validation of the survey findings, there were also questions on licensee attitudes towards the standard.

The validation interviews conducted with *non-respondent* licensees were intended to determine the level of compliance by these licensees, and to record reasons for any non-compliance.

In general, a high level of validity was found between the survey responses and the information gathered in the validation interviews. In the majority of cases materials supporting the answers given in the surveys were sighted by the person conducting the validation interviews.

1.3 Glossary

- **Total:** Commercial radio licensees represented in survey (n=250)
- **Commercial agreement:** licensee with presenter/s with commercial agreement/s for the purpose of the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000.
- **Non-Commercial agreement:** licensee without presenter/s with a 'commercial agreement', as defined above.
- **S40:** licensee of commercial radio broadcasting licence allocated under section 40 of the *Broadcasting Services Act 1992*. Section 40 licences are restricted licences which operate outside of the broadcasting services bands.
- **Non-S40:** licensee of commercial radio broadcasting licence allocated under section 36 or 39 of the *Broadcasting Services Act 1992*. Section 36 (and supplementary section 39 licences) operate on AM or FM bands within the broadcasting services bands.
- **Independent:** licensee that is not 'networked', as defined below. This includes two or more licences owned by the same entity in one licence area.
- **Networked:** licensee that is one of two or more licensees owned by the same entity across two or more licence areas (there is a control cap of two licences in any one licence area).
- **Metropolitan:** licensee in metropolitan area
- **Regional:** licensee in regional area
- **Remote:** licensee in remote area
- **Australia Wide:** licensee in Australia wide s40 licence area as defined by the ACMA (Area-ID:802) in terms of areas defined by the Australia Bureau of Statistics for the purposes of the Australian Census. Section 40 licences are restricted licences which operate on the AM band outside of the Broadcast Services Bands (BSB).

1.4 Executive Summary

Overall

Almost all commercial radio licensees who participated in the survey (96.0%, n=240) have **developed and implemented a compliance program** to address the requirements of the standard. A similar number (95.2%, n=238) have **maintained a compliance program**. However, a slightly lesser proportion (91.6%, n=229) of licensees rate themselves as being **very familiar** (8 to 10 rating on a 10 point scale) with the standard, suggesting that the levels of implementation, compliance and understanding amongst licensees are high.

For those licensees who have **developed and implemented a compliance program** (96.0%, n=240), there is some variation between the six elements of the standard in terms of compliance:

- The highest rate of compliance relates to for the **development of a training program** (86.0%, n=215), with a similar number (83.6%, n=209) having **conducted training at induction**. Fewer, but still a high number, have **conducted training at least once a year** (78.8%, n=197).
- Just over eight in ten (82.8%, n=207) have **provided a copy of their compliance policy, the standard and the Codes** to all their staff, and a further 8.8% (n=22) have provided it to some of their staff.
- Almost eight in ten (78.8%, n=197) have a **monitoring strategy** for the compliance program.
- Just fewer than eight in ten (78.0%, n=195) have **nominated a senior manager or officer with primary responsibility for compliance**.
- Around seven in ten (70.4%, n=176) of licensees have **conducted an annual audit of compliance**.
- Around seven in ten (69.2%, n=173) of licensees have **developed a formal written policy of compliance**.

Licensees who were not compliant with a particular element of the standard were asked to provide reasons for their non-compliance with that element. It was found that licensees often feel that a particular element is unnecessary or irrelevant to their particular station or network. In many cases, this was because they feel they are compliant with other elements of the policy, or that they are compliant with this element through ad-hoc measures. Other reasons include: a lack of awareness and understanding of what is required; being too busy or having a lack of resources available for compliance; and reasons connected with internal business structure (e.g. organisational restructures or turn over of senior staff).

All licensees who participated in the study were asked to provide additional comments regarding any drawbacks and benefits of the standard. The main drawback reported was the time and resources required to develop, implement and maintain a compliance program. Some licensees also feel that the standard is not relevant to their station or individual stations within their network (because they do not have news or current affairs presenters). Those licensees that found a benefit to the standard usually referred to the benefit of the standard in increasing staff awareness of compliance obligations. However, many licensees identified no benefit.

Table i – Developed, Implemented and Maintained a Compliance Program – Summary

	%										
	Total (n=250)	Commercial agreement (n=20!)	Non- Commercial agreement (n=230)	S40 (n=7!) #	Non-S40 (n=243)	Independent (n=24!) #	Networked (n=226)	Metropolitan (n=50)	Regional (n=192)	Remote (n=5!)	Australia Wide (n=3!) #
Developed a Compliance Program	96.0 (n=240)	100 (n=20)	95.7 (n=220)	71.4 (n=5)	96.7 (n=235)	79.2 (n=19)	97.8 (n=221)	96.0 (n=48)	96.9 (n=186)	80.0 (n=4)	66.7 (n=2)
Implemented a Compliance Program	96.0 (n=240)	100 (n=20)	95.7 (n=220)	71.4 (n=5)	96.7 (n=235)	79.2 (n=19)	97.8 (n=221)	96.0 (n=48)	96.9 (n=186)	80.0 (n=4)	66.7 (n=2)
Maintained a Compliance Program	95.2 (n=238)	100 (n=20)	94.8 (n=218)	71.4 (n=5)	95.9 (n=233)	79.2 (n=19)	96.9 (n=219)	94.0 (n=47)	96.4 (n=185)	80.0 (n=4)	66.7 (n=2)

Total: Commercial radio licensees represented in survey (n=250)

Commercial agreement: licensee with presenter/s with commercial agreement/s for the purpose of the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000.

Non-Commercial agreement: licensee without presenter/s with a 'commercial agreement', as defined above.

S40: licensee of commercial radio broadcasting licence allocated under section 40 of the *Broadcasting Services Act 1992*. Section 40 licences are restricted licences which operate outside of the broadcasting services bands.

Non-S40: licensee of commercial radio broadcasting licence allocated under section 36 or 39 of the *Broadcasting Services Act 1992*. Section 36 (and supplementary section 39 licences) operate on AM or FM bands within the broadcasting services bands.

Independent: licensee that is not 'networked', as defined below. This includes two or more licences owned by the same entity in one licence area.

Networked: licensee that is one of two or more licensees owned by the same entity across two or more licence areas (there is a control cap of two licences in any one licence area).

Metropolitan: licensee in metropolitan area

Regional: licensee in regional area

Remote: licensee in remote area

Australia Wide: licensee in Australia wide s40 licence area as defined by the ACMA (Area-ID:802) in terms of areas defined by the Australia Bureau of Statistics for the purposes of the Australian Census. Section 40 licences are restricted licences which operate on the AM band outside of the Broadcast Services Bands (BSB).

Table ii – Elements of a Compliance Program – Summary

	%										
	Total (n=250)	Commercial agreement (n=201)	Non- Commercial agreement (n=230)	S40 (n=71) #	Non-S40 (n=243)	Independent (n=241) #	Networked (n=226)	Metropolitan (n=50)	Regional (n=192)	Remote (n=51)	Australia Wide (n=31) #
Have a Formal Written Compliance Policy	69.2 (n=173)	90.0 (n=18)	67.4 (n=155)	57.1 (n=4)	69.6 (n=169)	70.8 (n=17)	69.0 (n=156)	62.0 (n=31)	70.8 (n=136)	80.0 (n=4)	66.7 (n=2)
Appointed a Senior Compliance Manager or Officer	78.0 (n=195)	95.0 (n=19)	76.5 (n=176)	71.4 (n=5)	78.2 (n=190)	79.2 (n=19)	77.9 (n=176)	64.0 (n=32)	81.8 (n=157)	80.0 (n=4)	66.7 (n=2)
Copy of Written Policy Provided to All Staff	82.8 (n=207)	95.0 (n=19)	81.7 (n=188)	57.1 (n=4)	83.5 (n=203)	62.5 (n=15)	85.0 (n=192)	94.0 (n=47)	81.3 (n=156)	40.0 (n=2)	66.7 (n=2)
Developed a Formal Training Program	86.0 (n=215)	95.0 (n=19)	85.2 (n=196)	28.6 (n=2)	87.7 (n=213)	58.3 (n=14)	88.9 (n=201)	96.0 (n=48)	85.9 (n=165)	40.0 (n=2)	0.0 (n=0)
Have a Monitoring Strategy for the Compliance Program	78.8 (n=197)	90.0 (n=18)	77.8 (n=179)	71.4 (n=5)	79.0 (n=192)	79.2 (n=19)	78.8 (n=178)	84.0 (n=42)	77.6 (n=149)	80.0 (n=4)	66.7 (n=2)
Conducted an Annual Audit of Compliance	70.4 (n=176)	80.0 (n=16)	69.6 (n=160)	28.6 (n=2)	71.6 (n=174)	45.8 (n=11)	73.0 (n=165)	92.0 (n=46)	64.6 (n=124)	80.0 (n=4)	66.7 (n=2)

Please note: while the base is all respondents, elements of the compliance program were only asked of those who had developed a compliance program.

Total: Commercial radio licensees represented in survey (n=250)

Commercial agreement: licensee with presenter/s with commercial agreement/s for the purpose of the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000.

Non-Commercial agreement: licensee without presenter/s with a 'commercial agreement', as defined above.

S40: licensee of commercial radio broadcasting licence allocated under section 40 of the *Broadcasting Services Act 1992*. Section 40 licences are restricted licences which operate outside of the broadcasting services bands.

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Independent: licensee that is not 'networked', as defined below. This includes two or more licences owned by the same entity in one licence area.

Networked: licensee that is one of two or more licensees owned by the same entity across two or more licence areas (there is a control cap of two licences in any one licence area).

Metropolitan: licensee in metropolitan area

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Australia Wide: licensee in Australia wide s40 licence area as defined by the ACMA (Area-ID:802) in terms of areas defined by the Australia Bureau of Statistics for the purposes of the Australian Census. Section 40 licences are restricted licences which operate on the AM band outside of the Broadcast Services Bands (BSB).

Overall, without Section 40 licensees

When Section 40 licensees (n=7) are removed from the sample, the results for all aspects of compliance are consistent with that of the total sample. Where there is a difference, it is that non-S40 licensees are marginally more compliant.

- Non-Section 40 licensees (93.0%, n=226) are marginally more likely to rate themselves as **very familiar** with the *Compliance Program Standard* than the total (91.6%, n=229).
- Non-Section 40 licensees (96.7%, n=235) are marginally more likely to have **developed and implemented a compliance program** than the total (96.0%, n=240).
- Non-Section 40 licensees (87.7%, n=213) are marginally more likely to have **developed a formal training program** than the total (86.0%, n=215).
- Non-Section 40 licensees (71.6%, n=174) are marginally more likely to have **conducted an annual audit of compliance** than the total (70.4%, n=176).
- Non-Section 40 licensees (83.5%, n=203) are marginally more likely to have **provided a copy of their compliance policy, the standard and the codes** to all their staff than the total (82.8%, n=207).

All other differences are below 0.5%.

These differences are not statistically significant and there are no differences greater than 1.7%. The inclusion of Section 40 licensees in the sample does not have a statistically significant affect on the results of the survey.

Licensees with Presenters with Commercial Agreements

A total of 20 licensees with **Presenters with Commercial Agreements** participated in the survey.

Overall, licensees with Presenters with Commercial Agreements have a higher rate of compliance than the total sample of commercial radio licensees over the six elements of the standards. All (100%, n=20) the licensees with Presenters with Commercial Agreements who participated in the study have **developed, implemented and maintained a compliance program**, and all (100%, n=20) rated themselves as *very familiar* with the standard.

In all elements of compliance, the rate of compliance for those licensees with Presenters with a Commercial Agreement is higher than the total sample of commercial radio licensees.

- All but one (95.0%, n=19) have **developed a training program** and all of these have **conducted training both at induction and at least once a year**.
- All but one (95.0%, n=19) have **provided a copy of their compliance program, the standard or the Codes** to all their staff, 5% (n=1) to some, and 0% (n=0) to none.
- All but one (95.0%,n=19) have **nominated a senior manager or officer with primary responsibility for compliance**.
- Almost all (90.0%, n=18) have a **monitoring strategy** in place.
- Almost all (90.0%, n=18) have a **formal written compliance policy**, which is a higher than the figure for all licensees (69.2%, n=173). However, an analysis of these written policies shows that many are not specific with regard to disclosure of agreements and advertising standards.

- Most (80.0% (n=16) have **conducted an annual audit of compliance, which is higher than the figure for all licensees** (70.4%, n=176)

Section 40 licensees

Seven Section 40 (S40) licensees participated in the survey.

S40 licensees have lower rates of compliance than the total sample of commercial radio licensees in all areas. However, these results should be treated with caution because of the small number of S40 licensees who participated in the study and the low response rate for this group (63.6%, 7 out of a total sample of 11).

Only seven in ten (71.4%, n=5) S40 licensees have **developed, implemented and maintained a compliance program**, and under half (42.9%, n=3) rate themselves **very familiar** with the standard.

With regard to the elements of the standard:

- Only 28.6% (n=2) have **developed a training program**, and though as many (28.6%, n=2) have **conducted training at induction**, none have **conducted training at least once a year**.
- Only 28.6% (n=2) have **conducted an annual audit of compliance**. This low rate is driven by a few S40 licensees who say they are not sure if an audit has been conducted (28.6%, n=2).
- 57.1% (n=4) have **provided a copy of their compliance policy, the standard or the Codes to all** their staff.
- 57.1% (n=4) have a **formal written compliance policy**.
- 71.4% (n=5) S40 licensees, which represents all S40 licensees who have developed a compliance policy, have **nominated a senior manager or officer with primary responsibility for compliance** and have a **monitoring strategy** for the compliance program.

Independent licensees

A total of 24 Independent licensees participated in the survey.

Independent licensees have a lower rate of **development and implementation** (79.2%, n=19) of a compliance program than the total (96.0%, n=240), and also have a lower familiarity with the requirements of the standard, with 66.7% (n=16) **very familiar**. However, these results should be treated with caution because of the small number of Independent licensees who participated in the study (n=24) and the relatively lower response rate for this group (63.2%, 24 out of a total sample of 38).

In some areas, Independent licensees showed high levels of compliance:

- 70.8% (n=173) have a **formal written compliance policy**, compared to 69.2% (n=17) of the total.
- 79.2% (n=195) have **nominated a senior manager or officer with primary responsibility for compliance**, compared to 78.0% (n=173) of the total.

However, compared to the total sample of commercial radio licensees, Independent licensees showed lower levels of compliance with some elements of the standard:

- Only 45.8% (n=11) have **conducted an annual audit of compliance**, compared to 70.4% (n=176) of the total.
- Only 58.3% (n=14) have **developed a training program**, compared to 86.0% (n=215) of the total.

- Only 62.5% (n=15) **have provided a copy of their compliance policy, the standard or the Codes to all** their staff, compared to 82.8% (n=207) of the total.

States and Locations

The rate of **familiarity** and **development and implementation of a compliance program** is consistent across Metropolitan (94.0%, n=47) and Regional areas (96.4%, n=185).

Compared to the total sample of licensees, licensees in Metropolitan areas show the following differences:

- They are less likely to have a **formal written compliance policy** (62.0%, n=31 compared to 69.2%, n=173), and are significantly less likely to have **nominated a senior manager or officer with primary responsibility for compliance** (64.0%, n=32 compared to 82.8%, n=207).
- They are more likely to have **developed a training program** (96.0%, n=48 compared to 86.0%, n=215), **conducted an annual audit** (92.0%, n=46 compared to 70.4%, n=176) and **provided a copy of their compliance policy, the standard or the Codes to all** their staff (94.0%, n=47 compared to 78.0%, n=195).

In Queensland, there is a polarisation between licensees who are very compliant, and some who are not. On the one hand, a higher proportion of licensees in Queensland (12.5%, n=8) are more likely compared with the total sample to have a **formal written compliance policy** in place (4.4%, n=11). Further, licensees in Queensland are more likely to have **nominated a senior manager or officer with primary responsibility for compliance** (89.1%, n=57) than the total (78.0%, n=195). However, licensees in Queensland are marginally less likely than the total (96.0%, n=240) to have **developed and implemented a compliance program** at all (93.8%, n=60 Queensland compared to 96.0%, n=240 total sample). Moreover, two licensees in Queensland who had developed a compliance program had not maintained the program (3.1%, n=2).

Only 40.0% (n=2) of licensees in the Northern Territory have **developed and implemented a compliance program**. The sample size is small and should not be regarded as indicative.

Compared to the total sample of licensees, licensees in Western Australia are significantly more likely to have a **formal written compliance policy** (88.9%, n=32 compared to 69.2%, n=173), to have a **monitoring strategy** (97.2%, n=35 compared to 78.8%, n=197), and to have **conducted an annual audit of compliance** (91.7%, n=33 compared to 70.4%, n=176).

Compared to the total sample of licensees, licensees in Victoria are significantly less likely to have a **formal written compliance policy** (45.5%, n=15 compared to 69.2%, n=173). They are also less likely to have **developed a training program** (72.7%, n=24 compared to 86.0%, n=215). However, most of the licensees in Victoria who have developed a compliance program have **conducted an annual audit** (93.9%, n=31).

Compared to the total sample of licensees, licensees in New South Wales are significantly more likely to have **developed a formal training program** (96.2%, n=76 compared to 69.2%, n=173). However they are significantly less likely to have **conducted an annual audit of compliance** (51.9%, n=41 compared to 70.4%, n=176).

Licence area Population Size

The commercial radio licensees who participated in the study were split into three separate licence area population sizes:

- Under 40,000 (n=60);
- Between 40,000 and 100,000 (n=68); and
- Over 100,000 (n=122).

Among the various licence area population sizes, compliance with the requirement to **develop and implement a compliance program** is consistent.

Licensees with a population size of fewer than 40,000 are more likely than the total sample of licensees to rate themselves as *not familiar* with the standard (11.7%, n=7 compared to 4.4%, n=11). However, at 81.7% (n=49), they are significantly more likely than those with a population over 100,000 (61.5%, n=75) to have a **formal written compliance policy**.

Earnings Bands

The commercial radio licensees who participated in the study were divided into six Earnings Bands, with 1 being the lowest and 6 being the highest:

- Earnings Band 1 (n=10)
- Earnings Band 2 (n=62)
- Earnings Band 3 (n=82)
- Earnings Band 4 (n=59)
- Earnings Band 5 (n=23)
- Earnings Band 6 (n=14)

There is an indication that the rate of compliance in terms of **development and implementation of a compliance program** increases according to the increase in Earnings Band. In general, compliance with other elements of the standard also increases with the increase in Earnings Band. However, there are a couple of exceptions:

- Those in Earnings Band 2 (80.7%, n=50) and 3 (74.4%, n=61) are the significantly more likely to have a formal written compliance policy than those in Earnings Band 4 (55.9%, n=33).
- All licensees who have not maintained their compliance program (3.4%, n=2) are in Earnings Band 4.
- Those in Earnings Band 4 (83.1%, n=49) are significantly more likely than the total (70.4%, n=176) to have conducted an annual audit, while those in Earnings Band 2 (40.3%, n=25) are significantly less likely to have done so.

Recommendations

Based on the results of the Compliance Survey, the following recommendations can be made:

- The ACMA should emphasise the importance of a formal written policy and of conducting internal audits as a part of a compliance program. Compliance in these areas is low compared to other elements of compliance with the standard. A number of licensees report that they believe that it is unnecessary for them to comply in these areas because they comply in other ways, or have other less formal processes in place. It may be that licensees are not aware or not fully aware that formal written policies and audits are conditions of their licence, so in the first instance the ACMA should provide a reminder to licensees that this is the case.
- The ACMA should give positive feedback to those with commercial agreements in areas where they are complying with the standard to encourage continued compliance.
- The ACMA should work particularly with Section 40 and Independent licensees to improve compliance with the standard.
- When asked what further assistance is required, a number of licensees reported that they would like the ACMA to provide sample documents, particularly with regard to training, policy documents, and annual audits. Providing such documents may help licensees develop a written policy by providing a basis from which stations and networks can develop their own documentation.

2. Familiarity with the requirements of the Compliance Program Standard

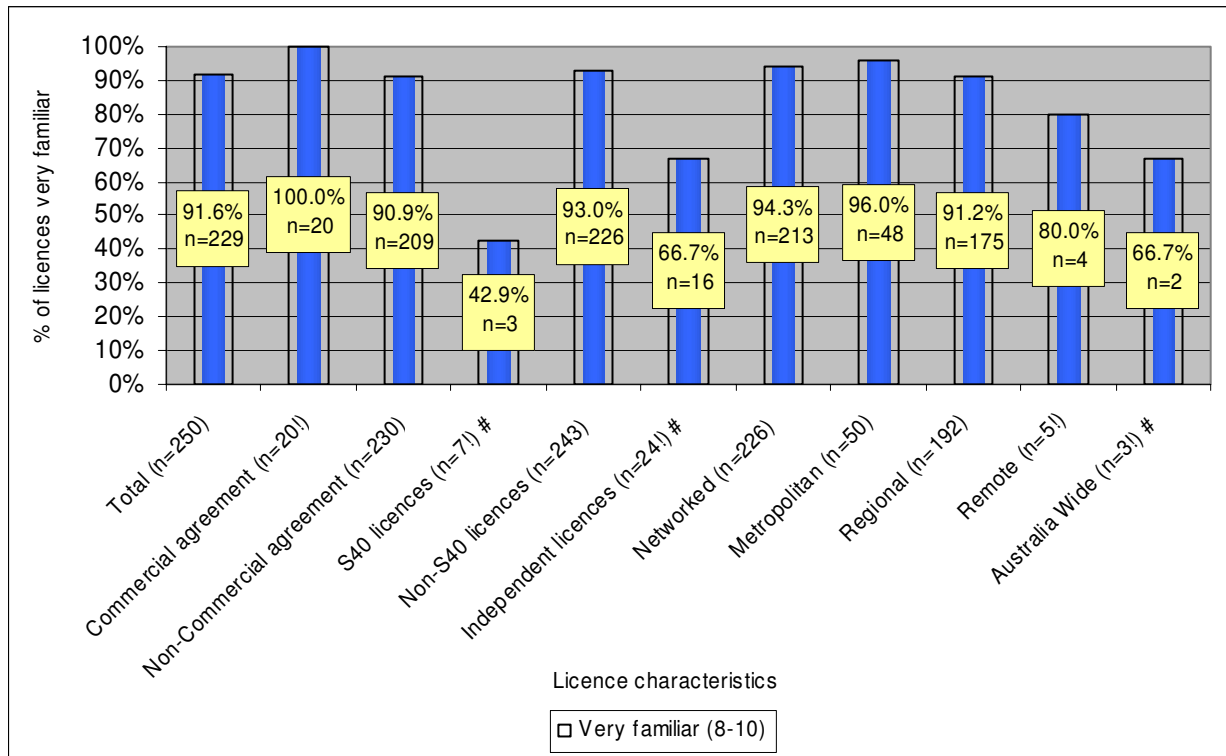
2.1 Chapter Overview

All commercial radio licensees who participated in the survey were asked to rate their familiarity with the *Compliance Program Standard* on a 0-10 scale, with 0 indicating *not at all familiar* and 10 indicating *extremely familiar*.

- Just over nine in ten (91.6%, n=229) of commercial radio licensees who participated in the study rate themselves as *very familiar* with the standard (*very familiar* is defined as a rating of 8, 9 or 10 out of 10).
- All (100%, n=20) licensees with **Presenters with Commercial Agreements** rate themselves as *very familiar*.
- Consistent with the total of all commercial radio licensees, 93.0% (n=226) of **Non-S40 licensees** rate themselves as *very familiar*. Fewer **S40 licensees** (42.9%, n=3) rate themselves as *very familiar*.
- Among **Independent** licensees, 66.7% (n=16) rate themselves as *very familiar* with the standard.
- Those in **Regional** (91.2%, n=175) areas are less likely to rate themselves as *very familiar* compared to those in **Metropolitan** areas (96.0%, n=48). Though not significant due to small sample sizes, **Remote** (80.0%, n=4) and **Australia Wide** (66.7%, n=2) are also less likely to rate themselves as *very familiar*.
- Licensees in **Queensland** (81.3%, n=52) are significantly less likely than the total (91.6%, n=229) to rate themselves as *very familiar* with the standard. With just over one in ten (12.5%, n=8) rating themselves as *not familiar* (*not familiar* is defined as a rating of 0, 1, 2, 3 or 4 out of ten), they are also significantly more likely to rate themselves as *not familiar* than the total (4.4%, n=11).
- Those licensees with a **Population Size below 40,000** (11.7%, n=7) are significantly more likely than the total (4.4%, n=11) to rate themselves as *not familiar*.
- Those in **Earnings Band 2** (82.3%, n=51) are significantly less likely than the total (91.6%, n=229) to rate themselves as *very familiar*, while those in **Earnings Band 4** (100%, n=59) are significantly more likely.

2.2 Familiarity with the Compliance Program Standard

Figure 1: Familiarity with the Compliance Program Standard



Overall, among all commercial radio licensees who participated in the study, just over nine in ten (91.6%, n=229) rate themselves as *very familiar* (that is, gave a rating of 8 to 10) with the standard.

Among those licensees with **Presenters with a Commercial Agreement**, all licensees (100%, n=20) rate themselves as *very familiar*. Consistent with the total of all commercial radio licensees, 93.0% (n=226) of **non-S40 licensees** rated themselves as *very familiar* with the standard. By comparison (though not significant due to sample size), less than half of **S40 licensees** (42.9%, n=3) rate themselves as *very familiar* with the standard.

Around two-thirds (66.7%, n=16) of **Independent** licensees rate themselves as *very familiar* with the standard, compared to 94.3% (n=213) of **Networked licensees**.

There are no significant differences between the **Metropolitan, Regional, Remote** and **Australia Wide** regions with regards to familiarity: **Regional** (91.2%, n=175), **Remote** (80.0%, n=4) and **Australia Wide** (66.7%, n=2). By comparison, licensees in **Metropolitan** areas (96.0%, n=48) are significantly more likely to rate themselves as *very familiar*.

Licensees in Queensland (12.5%, n=8) are significantly more likely than the total (4.4%, n=11), and those in Victoria (n=0), Western Australia (n=0) and New South Wales (1.3%, n=1) to rate themselves as *not familiar* (a rating of 0 to 4) with the standard. Licensees in Queensland (81.3%, n=52) are also significantly less likely than the total (91.6%, n=229) to rate themselves as *very familiar* (see Table 1).

Table 1: Familiarity with the Compliance Program Standard – States Comparison

	%									
	Total (n=250) A	ACT (n=2!)# B	NSW (n=79) C	NT (n=5!) D	QLD (n=64) E	SA (n=16!) F	TAS (n=12!) G	VIC (n=33) H	WA (n=36) I	Australia Wide (n=3!)# J
Very Familiar (8-10)	91.6 E (n=229)	100 (n=2)	96.2 E (n=76)	40.0 (n=2)	81.3 (n=52)	100 (n=16)	100 (n=12)	93.9 (n=31)	100 E (n=36)	66.7 (n=2)
Somewhat Familiar (6-7)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)
Neutral (5)	4.0 (n=10)	0.0 (n=0)	2.5 (n=2)	20.0 (n=1)	6.3 (n=4)	0.0 (n=0)	0.0 (n=0)	6.1 (n=2)	0.0 (n=0)	33.3 (n=1)
Not Familiar (0-4)	4.4 (n=11)	0.0 (n=0)	1.3 (n=1)	40.0 (n=2)	12.5 ACHI (n=8)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)

Those licensees with a Population Size below 40,000 (11.7%, n=7) are significantly more likely than the total (4.4%, n=11) to rate themselves as *not familiar* with the standard. Those licensees with a Population Size over 100,000 (96.7%, n=118) are significantly more likely than those with a population between 40,000 and 100,000 (88.2%, n=60) and those with a population under 40,000 (85.0%, n=51) to rate themselves as *very familiar*.

Familiarity with the standard increases with the increase in Earnings Band, in that those in Earnings Band 2 (82.3%, n=51) are significantly less likely than the total (91.6%, n=229) to rate themselves as *very familiar*, while those in Earnings Band 4 (100%, n=59) are significantly more likely to do so.

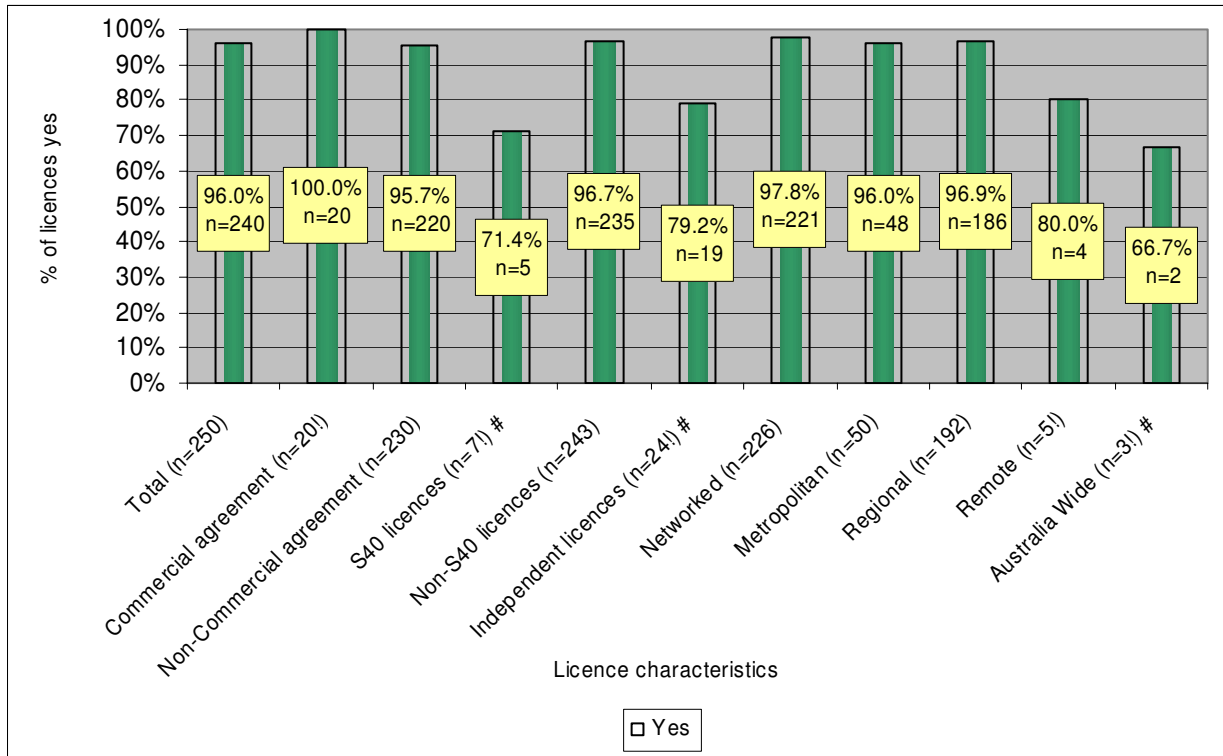
3. Development, Implementation and Maintenance of a Compliance Program

3.1 Chapter Overview

- Among commercial licensees who participated in the study, almost all (96.0%, n=240) have developed and implemented a compliance program.
- All licensees (100%, n=20) with **Presenters with Commercial Agreements** who participated in the study have developed and implemented a compliance program. Included in the development of the policy for these licensees is staff training and written policies and, in a few cases, legal consultation. Implementation of the policy includes staff training, formal written policies, involvement of senior staff, continued monitoring and disciplinary action against staff who do not adhere to the policies.
- Consistent with the total of commercial radio licensees who participated in the study, 96.7% (n=235) of **Non-S40 licensees** have developed a compliance program. Among **S40 licensees**, 71.4% (n=5) have developed and implemented a compliance program. Those who have not developed a program felt the standard is not relevant to them or that they are too busy. In some cases, S40 licensees feel that they are compliant without the development and implementation of a policy.
- **Independents** (79.2%, n=19) are less likely to have developed and implemented a compliance program than the total (96.0%, n=240).
- Licensees in the **Northern Territory** (40.0%, n=2), **Remote** areas (80.0%, n=4) and those that are **Australia Wide** (66.7%, n=2) are less likely to have developed and implemented a compliance program than the total (96.0%, n=240).
- Those in higher Earnings Bands are more likely to have developed and implemented a program than those in lower Earnings Bands.
- Almost all (95.2%, n=238) licensees have maintained a compliance program.
- All (100%, n=20) licensees with **Presenters with Commercial Agreements** have maintained a compliance program.
- Consistent with the total, 95.9% (n=233) of **non-S40 licensees** have maintained a compliance program. Fewer **S40 licensees** (71.4%, n=5) have maintained a compliance program, although this represents all S40 licensees who have developed a program.
- All Independent licensees who developed a compliance program (79.2%, n=19) indicated that they have maintained a compliance program.
- Licensees in **Metropolitan** areas (94.0%, n=47) are marginally less likely to have maintained a compliance program than those in **Regional** areas (96.4%, n=185).
- Of those licensees who have not maintained their program after developing a compliance program, two are in **Queensland** (3.1%, n=2) and two are from **Earnings Band 4** (3.4%, n=2).
- Where licensees have maintained their program, this mainly involves maintaining and updating staff training, updating written materials such as training manuals, and the involvement of senior staff in getting updates and oversight of the program.

3.2 Development of a Compliance Program

Figure 2: Development of a Compliance Program



Almost all (96.0%, n=240) of the commercial radio licensees who participated in the study have developed a compliance program.

Among licensees with **Presenters who have a Commercial Agreement**, all (100%, n=20) have developed a program. Consistent with the total of commercial radio licensees who participated in the study, 96.7% (n=235) of **non-S40** licensees have developed a compliance program. Though not significant due to the small sample size, fewer **S40** licences (71.4%, n=5) have developed a compliance program than the total of commercial licensees who participated in the study (96.0%, n=240).

Independent licensees (79.2%, n=19) are less likely to have developed a compliance program than licensees who are **Networked** (97.8%, n=221), however again this difference is not significant due to the small sample size.

Though not significant due to small sample size, indicatively, fewer licensees in **Remote** areas (80.0%, n=4) and those that are **Australia Wide** (66.7%, n=2) have developed a compliance program. Licensees in the Northern Territory (40.0%, n=2) and Queensland (93.8%, n=60) are less likely that the total (96.0%, n=240) to have developed a compliance program.

Though there are no significant differences between the six Earnings Bands in their likelihood of having developed a compliance program, the likelihood increases slightly with the increase in earnings band. This is highlighted in Table 2.

Table 2: Development of a Compliance Program – Earnings

	%	
	Developed a Program	Not Developed a Program
Total (n=250)	96.0 (n=240)	4.0 (n=10)
Band 1 (n=10!)	80.0 (n=8)	20.0 (n=2)
Band 2 (n=62)	95.2 (n=59)	4.8 (n=3)
Band 3 (n=82)	96.3 (n=79)	3.7 (n=3)
Band 4 (n=59)	96.6 (n=57)	3.4 (n=2)
Band 5 (n=23!)	100 (n=23)	0.0 (n=0)
Band 6 (n=14!)	100 (n=14)	0.0 (n=0)

When licensees with **Presenters who have a Commercial Agreement** were asked to provide a brief summary of the actions taken to address the requirement of the standard, licensees tended to refer to written documents and training programs.

“A written training program has been developed for each station that outlines the system for notifying and training all staff. This program has been disseminated to all radio stations.” (Commercial Agreement)

Two commercial radio licensees with **Presenters with Commercial Agreements** mention that they have consulted with external lawyers as part of development or review of their compliance policy. Another mentions that consultation was done with senior staff in the development of their policy, and another includes obligations in their employees’ contracts.

“Consultation between senior executives to formulate a policy, including identifying areas for improvement and for focus.” (Commercial Agreement)

“There are also obligations in employment contracts; and we take the opportunity to remind staff of their obligations at timely intervals.” (Commercial Agreement)

Among licensees with **S40** licences who have developed a program, the main focus of this development appears to be informing staff of the standard, either in general or through providing training and written documents.

“Prepared a staff manual, with updates as needed, and all staff are requested to be familiar with its contents.” (S40 licence)

Among those with S40 licensees who have not developed a program, the reasons given for not doing so are either that they find the standard to be irrelevant to them or that they are too busy to do so.

“Currently we only play popular music and have an announcement with station ID, we have never had a complaint since the station started... there is no on-air staff currently” (S40 licence)

“We operate on a very small staff and are extremely busy.” (S40 licence)

Comparable to those licensees with **Presenters with Commercial Agreements** who have developed a compliance program, other licensees, when asked to provide a brief summary of the actions taken to address the requirement of the standard, often refer to making their staff aware of the standard through training or by providing a copy of the codes or their own written policy.

“We have prepared a Training Manual. We supply copies of the Codes to staff during training and maintain copies in operational areas of each station.” (Networked licensee, Regional / Remote)

In a few cases, specific mention is made of the involvement of senior staff in the development of the compliance policy.

“All senior staff have been involved in the preparation of the documentation and processes required to develop the compliance program as well as its implementation.”
(Independent licensee, Regional / Remote)

In one case, a Corporate Governance committee has been established *“that oversees compliance with the Broadcasting Service Act, the Standards and the Codes.”* (Networked licensee)

Among those licensees who have not developed a compliance program, a number of reasons are provided for not doing so. Similar to the responses of S40 licensees who have not developed a compliance program, “time and cost” is one reason given, and relevance is also clearly an issue:

“Our current coverage in remote areas does not see announcers or staff with commercial agreements to third party entities.” (Independent licensee, Regional / Remote)

For another licensee, the issue is one of a lack of knowledge and understanding:

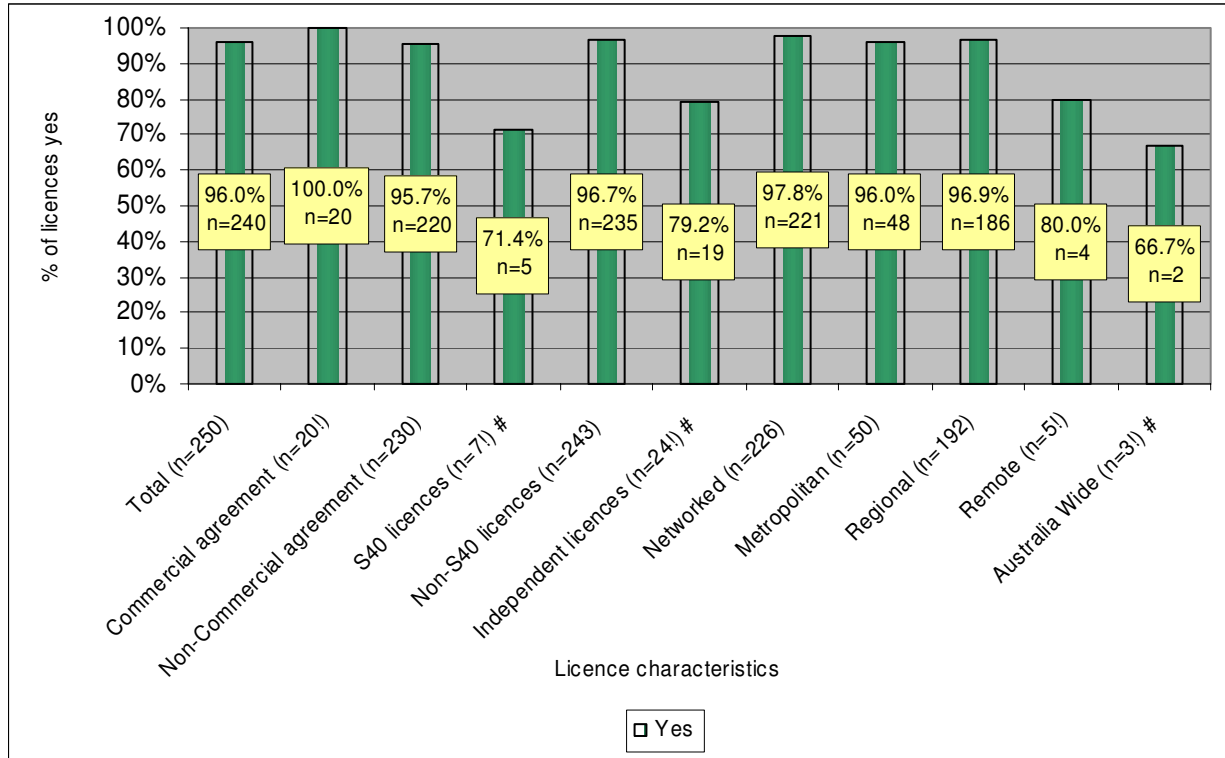
“(I am) unaware of details needed to develop a complete program.”
(Independent licensee, Regional / Remote)

Finally, another licensee who has not developed a program has not done so for internal business reasons:

“A check of the existence of the compliance program indicates that this has been overlooked as a consequence of key executive changes over the last four years and changes to the operations of the stations where this program appears to have slipped. It is the intention of this authorised agent to ensure the introduction of such as a priority. “
(Networked licensee)

3.3 Implementation of a Compliance Program

Figure 3: Implementation of a Compliance Program



As with development of a compliance program, almost all licensees (96.0%, n=240) have implemented a compliance program, and this was consistent across the various licence characteristics.

When asked to provide a brief summary of the actions taken to implement the program, among licences with **presenters with Commercial Agreements**, staff training in compliance appears to be a major area of implementation of their compliance program. In many cases, this occurs both at induction and on a regular basis, such as annually.

“On induction, all new employees are trained by the General Manager of the station in accordance with the training program. Annually, all staff are trained by the General Manager of the station in accordance with the training program.” (Commercial Agreement)

In most cases, this includes providing copies of the codes and internal written policies to staff.

“(We have) published a formal written compliance policy, as well as a 1 page On-Air 'Do's and Don'ts' and a 4 page On-air Guidelines document. These 3 documents are provided to all on-air and production staff, as well as a copy of the Codes of Practice and the 3 commercial radio standards.” (Commercial Agreement)

A number also mention that they have included senior staff in the implementation of the program, or nominated a senior officer for compliance:

“A senior executive officer - the Chief Executive Officer - has been appointed with primary responsibility for compliance.” (Commercial Agreement)

There are also a few cases where mention is made of continued consultation with external lawyers or an internal legal department in the implementation of policy and adherence with the compliance standards.

“Managers of stations... are encouraged to seek advice from me or from our legal department.”
(Networked licence)

In one case, staff of a licensee with a Presenter who has a Commercial Agreement are subject to disciplinary action if they do not adhere to the *Compliance Program Standard*.

“We take disciplinary action against employees who place stations at risk of breaching their obligations under the Codes, Standards or conditions. We make it clear to staff that ignorance of our BSA obligations is no excuse.” (Commercial Agreement)

The focus for S40 licensees appears to be on staff training and briefing sessions, and on the codes of practice and compliance requirements.

“Staff are trained by station managers on joining the company on the Codes of Practice. This is carried out face to face. Because we only have a few people at each location, sometimes only two, the manager will normally pull all staff in for that briefing session. This ensures that all staff are briefed on a regular basis, at least annually.” (S40 licensee)

Among those S40 licensees who have not implemented a compliance program, it appears that the issue is one of relevance. These licensees feel they have their bases covered with regard to compliance, even though they have not implemented a program.

“The station has only been presenting a mainstream music program. However, we are prepared to handle any complaint that should arise.” (S40 licensee)

“All stations are small thereby necessitating that the general manager is 'hands on' at all stations and ensures a good level of compliance.” (S40 licensee)

Among other licensees, the implementation of a compliance program is similar to the implementation levels evident among licensees with Presenters with Commercial agreements, with staff training, written policies and copies of the codes provided to staff, and senior staff involvement the key actions undertaken.

“All staff have a copy of our compliance program. All new staff have compliance training. The station also does annual training for all operational staff. Updates are provided on all new changes.”
(Independent, Regional / Remote, NT / QLD, Earnings Band 5)

“A manual has been produced which has a formal written compliance policy.”
(Networked, Regional / Remote, VIC / TAS, Earnings Band 3)

“A senior executive officer - the Chief Executive Officer - has been appointed with primary responsibility for compliance.” (Networked)

Monitoring of the compliance policy through reviews and audits is also highlighted as a part of implementing the compliance policy.

“Station manager conducts a review with all employees at regular periods.” (Networked)

“The Corporate Governance Committee completes audits to ensure that company wide training has taken place.” (Networked)

In a few cases, continued consultancy with internal or external legal departments is a part of the implementation of a compliance program.

There are indications in some other stations' written policies that adherence to the standards by staff is a condition of employment, and non-adherence to their obligations could or would result in disciplinary action, including termination of employment.

Among other licensees who have not implemented a compliance program, the reasons given for not doing so include being unaware of the program or internal business issues had resulted in a program not being developed.

Other licensees, including a high proportion of S40 licensees, who do not believe that implementation of a compliance program is relevant to them, or believe that they have covered compliance in some other way.

“New staff go through a personal induction by the general manager and programme manager and at this time we have seen no need for a more formal programme.”

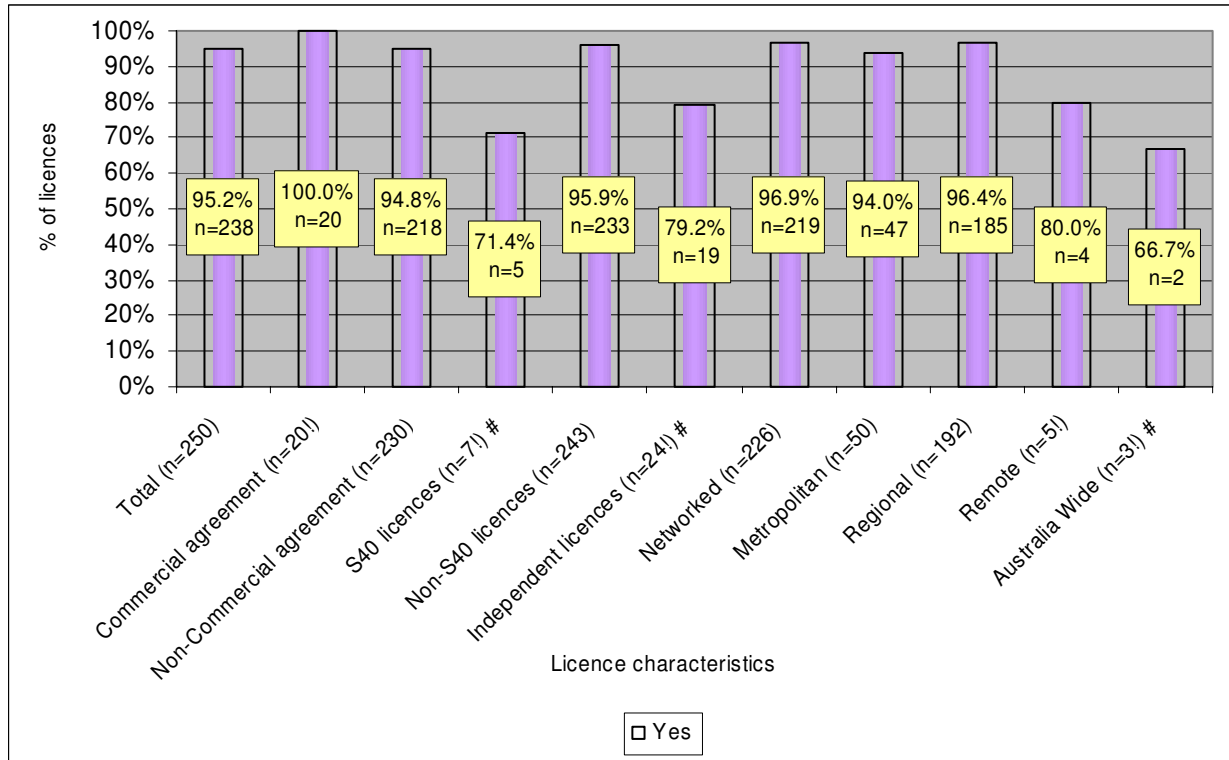
(Networked)

“Our remote licence does not have any circumstance where individuals have 3rd party agreements.”

(Independent, Regional / Remote)

3.4 Maintaining the Compliance Program

Figure 4: Have Maintained Compliance Program



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Almost all (95.2%, n=238) licensees have maintained a compliance program.

All (100%, n=20) licensees with **Presenters who have a Commercial Agreement** have maintained a compliance program. Consistent with the total, 95.9% (n=233) of **non-S40** licensees have maintained a compliance program. Fewer **S40** licensees (71.4%, n=5) have maintained a compliance program, although this represents all **S40** licensees who have developed a program.

Only around eight in ten (79.2%, n=19) **Independent** licensees have maintained a compliance program, though again this represents all **Independent** licensees who have developed a program.

Licensees in **Metropolitan** areas (94.0%, n=47) are marginally less likely to have maintained a compliance program than those in **Regional** areas (96.4%, n=185).

All licensees who answered that they had not maintained their compliance program, even though they had developed one, were in Queensland (3.1%, n=2) and Earnings Band 4 (3.4%, n=2).

Among licensees with **Presenters who have Commercial Agreements**, maintaining the program tends to involve updating and maintaining training programs and manuals.

“The training manual is the central or core of the compliance program. The maintenance and update of the manual is therefore core to the updating of managers and operational staff.”
(Commercial Agreement)

“Over the years we have revised our training materials to reflect regulatory developments and to keep them up to date.” (Commercial Agreement)

Updating written policies also appears to be part of maintaining the program for those with **Presenters with Commercial Agreements**.

“The Radio On Air Guidelines and Company Policy Manual are also updated from time to time.” (Commercial Agreement)

Comparable to licensees with **Presenters who have Commercial Agreements**, maintenance of the program for those with **S40** licences appears to be synonymous with maintaining their staff-training program.

“Training of joining operational staff and retraining of existing staff.” (S40 licence)

“Prepared a staff manual, with updates as needed, and all staff are requested to be familiar with its contents.” (S40 licence)

Among other licensees that have maintained their program, consistent with licensees with **Presenters who have Commercial Agreements** and **S40** licences, staff training, in particular on an annual basis, is highlighted as being a part of maintaining compliance programs for commercial radio licensees.

“Compliance training is refreshed with existing staff annually.” (Networked)

However, it also appears that for other licensees, involvement of senior staff in maintaining the program is critically important, both for updates and overseeing of the program.

“The Executive Director and General Manager are kept up to date from Commercial Radio Australia and ACMA on any changes.” (Independent, Regional / Remote)

“Maintenance of compliance occurs through the... day-to-day monitoring by the General Manager and the Program Director.” (Independent, Regional / Remote)

“Oversight by Group Programme Director and CFO.” (Networked)

“Quarterly reporting by the Group Program Director.” (Networked)

For the licensee who has not maintained their compliance program, the reason appears to be an internal business issue to do with the changeover of General Managers.

“It had been in place since 2000, however with a changeover of three General Managers it was not maintained annually.” (Networked)

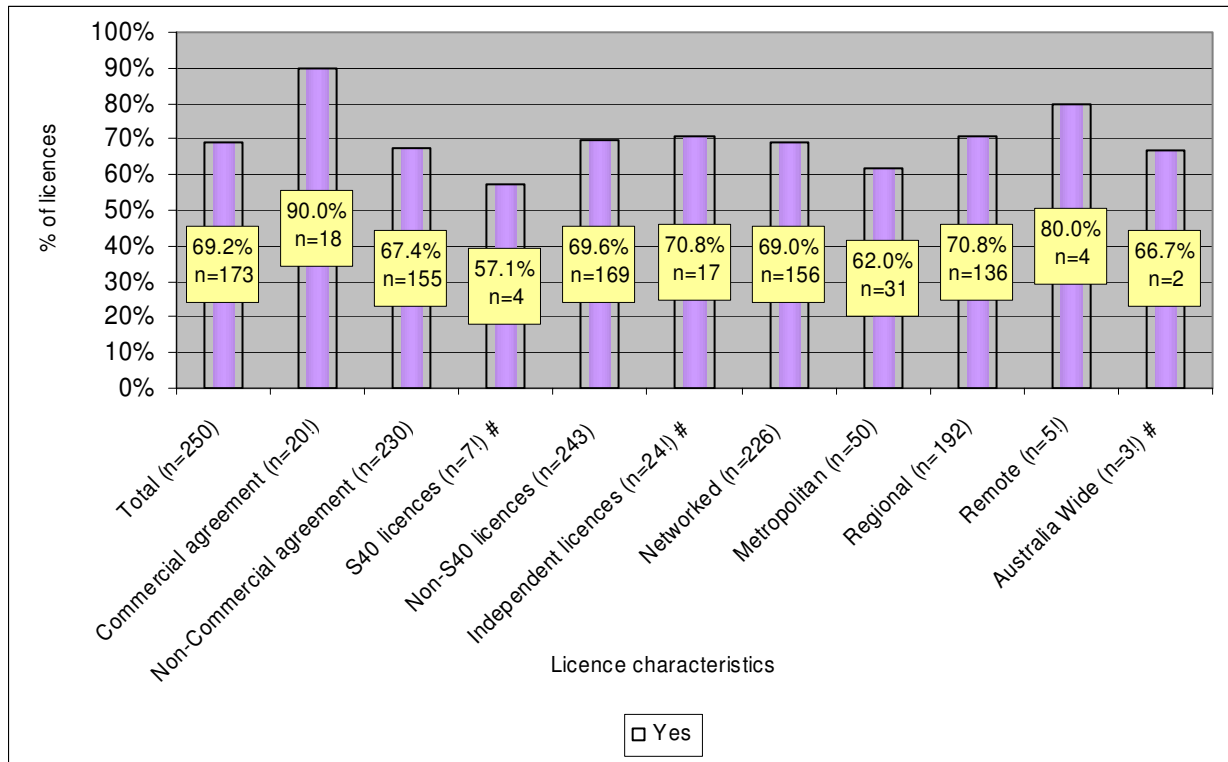
4. Formal Written Compliance Policy

4.1 Chapter Overview

- Of those commercial radio licensees who participated in the survey and have developed a compliance program, 69.2% (n=173) have a formal written policy in place for that program.
- Though not significant due to the small sample size, the rate of those with a **Presenter with Commercial Agreements** (90.0%, n=18) having a formal written compliance policy is higher than the total (69.2%, n=173).
- Consistent with the total, 69.6% (n=169) of **Non-S40** licensees who have developed a compliance program have a formal written policy as a part of that program. Though not significant due to the small sample size, fewer **S40** licensees have a written policy (57.1%, n=4).
- Licensees in **Western Australia** (88.9%, n=32) are significantly more likely than the total 69.2% (n=173) to have a written policy, while those in **Victoria** (45.5%, n=15) are significantly less likely to have a written policy. Though not significant, indicatively fewer licences in **Metropolitan** areas (62.0%, n=31) have a written policy.
- Licensees with a **Population Size under 40,000** (81.7%, n=49) are significantly more likely to have a formal written policy than those with a population above 100,000 (61.5%, n=75).
- In the different **Earnings Bands**, licensees **Earnings Bands 2** (80.7%, n=50) and **3** (74.4%, n=61) are significantly more likely to have a formal written policy compared with licensees in **Earnings Band 4** (55.9%, n=33).
- Licensees who do not have a formal written compliance policy in place do not feel that it is necessary, as they are already addressing compliance through other parts of their compliance program such as training sessions or a senior officer appointed for compliance, or they use other documentation (e.g. ACMA's website).
- The **written policy documents** provided by some licensees who participated in the study generally outline the processes and procedures they undertake to comply with the standard. In only a few cases is specific mention made of disclosure during current affairs programs and advertising practices, and only one policy document contains specific examples of compliance practice. In some cases, the written policy takes the form of a reproduction of the standard or other documents produced by the ACMA.

4.2 Have a Formal Written Compliance Policy

Figure 5: Have a Formal Written Compliance Policy



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Only around seven in ten (69.2%, n=173) commercial radio licensees have a formal written compliance policy.

Of those licensees with a **Presenter who has a Commercial Agreement**, 90.0% (n=18) have developed a formal written policy, which, though not significant due to the small sample size, is higher than the total (69.2%, n=173).

Consistent with the total, 69.6% (n=169) of **non-S40** licensees who have developed a compliance program have a formal written policy as a part of that program. Though not significant due to the small sample size, fewer **S40** licensees have a formal written policy (57.1%, n=4).

Also consistent with the total, 70.8% (n=17) of **Independent** licensees have a formal written policy.

Fewer **Metropolitan** licensees (62.0%, n=31) have a formal written policy than those in **Regional** areas (70.8%, n=136).

Licensees in **Western Australia** (88.9%, n=32) are significantly more likely than the total (69.2%, n=173) to have a formal written compliance policy, while licensees in **Victoria** (45.5%, n=15) are significantly less likely to (see Table 3).

Table 3: Have a Formal Written Compliance Policy – States

	%		
	Written Policy	No Written Policy	No Answer
Total (n=250)	69.2 (n=173)	26.8 (n=67)	4.0 (n=10)
ACT (n=2!)	0.0 (n=0)	100 (n=2)	0.0 (n=0)
NSW (n=79)	79.8 (n=63)	17.7 (n=14)	2.5 (n=2)
NT (n=5!)	0.0 (n=0)	40.0 (n=2)	60.0 (n=3)
QLD (n=64)	73.4 (n=47)	20.3 (n=13)	6.3 (n=4)
SA (n=16!)	75.0 (n=12)	25.0 (n=4)	0.0 (n=0)
TAS (n=12!)	16.7 (n=2)	83.3 (n=10)	0.0 (n=0)
VIC (n=33)	45.5 (n=15)	54.6 (n=18)	0.0 (n=0)
WA (n=36)	88.9 (n=32)	11.1 (n=4)	0.0 (n=0)
Australia Wide (n=3!)	66.7 (n=2)	0.0 (n=0)	33.3 (n=1)

Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Analysis among the different **Population Sizes** reveals that licensees with a population under 40,000 (81.7%, n=49) are significantly more likely to have a formal written policy than those with a population above 100,000 (61.5%, n=75). In terms of the different **Earnings Bands**, licensees **Earnings Bands 2** (80.7%, n=50) and 3 (74.4%, n=61) are significantly more likely to have a formal written policy compared with licensees in **Earnings Band 4** (55.9%, n=33).

For licensees with **Presenters with Commercial Agreements** who do not have a formal written policy as a part of their compliance program, the reasons appear to be that they feel it unnecessary as they already have a compliance procedure in place, or that they are still in the process of developing one.

“There is a clause in every employee’s Letter of Employment or Employment Contract that states that it is a condition of employment that the employee observes and complies with these Standards. Therefore, it is not necessary to develop a formal written compliance policy.” (Commercial Agreement)

“Written policy is in progress in line with recent acquisitions and amalgamation of licenses into a network structure.” (Commercial Agreement)

One **S40** licensee who has not developed a formal written policy as a part of their compliance program, thought it is unnecessary as they consult the ACMA website instead for policy information.

“We consult with the ACMA website for policy.” (S40 licence)

Among licensees whose compliance program does not contain a formal written compliance policy, the main reason appears to be that they feel that a written policy is unnecessary, largely as they feel that they have other documentation on compliance available.

"[Network name] feels that the thorough nature of its training sessions, coupled with the fact that these training presentations are available on [Network name]'s intranet, negates the need for a formal written policy." (Networked)

"We do not believe it is necessary as reference to the station's manuals and compliance programmes are detailed in the letter of employment agreements, also with contractors."
(Independent, Metropolitan, VIC / TAS, Population Over 100,000, Earnings Band 4)

"Not considered necessary. One person responsible for entire network (which is) considered more reliable." (Networked, Regional / Remote)

4.3 Specific Policy Examples

Licensees were asked to attach a copy of the formal written compliance policy that is a part of their compliance program to the survey.

In a few cases, these policy documents were simply a reproduction of the *Broadcasting Services (Commercial Radio Advertising) Standard 2000* or other ACMA documentation, including *Broadcasting Services (Meaning of Local) Instrument 2007* and *Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Material of Local Significance) Notice 19 December 2007*.

For the most part, the formal written policies provided by commercial radio licensees contain the processes and procedures set in place as a part of their compliance program. Items covered in the written policies include staff training, providing a copy of the policy and / or codes to staff, monitoring strategies such as audits and other reviews, the appointment of officers with responsibility for compliance, and the responsibilities and obligations of individual staff members, including in some cases an acknowledgement of responsibility.

For the majority, staff training included in the formal written policy includes staff training at induction and at least once a year.

"A training program is conducted for new staff members on induction and a revisory training program is conducted individually or in a group at least once a year."

In a few cases, the timing of training is not specified.

"A formal training program exists. All staff will be required to attend appropriate compliance training from time to time."

In a few cases, a specific staff training manual is included in the formal written policy document, which is provided to staff. In most cases, a copy of the formal written compliance policy is made available to staff, whether it be at induction or by making copies available for staff electronically on the intranet or in the office.

"Since these documents are integral to everything we do as a commercial radio broadcaster, they should be kept at the office, where each staff member can readily refer to them."

"On commencement of employment, each person will be provided with a copy of the policy document."

In a number of cases, employees are asked to sign off on their responsibility, with penalties such as fines and termination included as part of the policy for a breach of the Standard by staff.

"I acknowledge that a breach of the Broadcasting Services Act 1992, the Broadcasting Services Standard 2000 or the Commercial Radio Codes of Practice may result in the termination of my employment"

In many cases, though not all, audits of compliance are specified within the formal written policy. In most cases, this audit is specified to be conducted at least once in a twelve monthly period, though in one case audits are conducted more regularly, with procedures to be followed on a weekly, monthly, and quarterly basis.

"An audit will be conducted at least once in each twelve month period."

In a few of the written policies provided, a senior manager or officer with responsibility for compliance is named. In a few cases, it is highlighted to staff that they should contact this person if they have any queries regarding compliance with the standard.

"Any practical compliance issues that arise... are to be referred to the National Group Program Director – Radio to address."

A few policies also contain specific policies regarding monitoring of content.

"Each week, the Program Director must monitor at least one hour of one of the current affairs programs broadcast by the station."

Only a few policies contain specific information regarding the standard for their staff, such as a summary of legislation and codes or the penalties likely to be enforced. Similarly, not all policies contain information regarding disclosure of agreements in current affairs programming or that advertising be distinguishable. It appears that this is mostly only included for those stations and networks that feel that this is relevant to them, with only one case of a station including this information when the station does not have a **Presenters with a Commercial Agreement**.

"The company doesn't broadcast locally sourced current affairs programs at this time. However, you need to be aware of the details of the standard."

Only in a few cases is an extensive policy on disclosure and advertising provided that is not just a copy of the *Compliance Program Standard*. Where this is included, it is usually just a statement of policy:

"Advertisements are not to be sold in such a fashion that they are presented on air as editorial or in any other manner... than as a straight advertisement."

In a couple of policy documents, case study examples are included to illustrate disclosure and advertising that does or does not meet the requirements of the standard.

5. Involvement of Staff in Compliance

5.1 Chapter Overview

- Of the commercial radio licensees who participated in the study, 78.0% (n=195) have appointed a senior manager or officer with primary responsibility for ensuring that the company complies with the formal written compliance policy. Consistent with the total for all commercial radio licensees, 78.2% (n=190) of **Non-S40** licensees have appointed a senior manager or officer with responsibility for compliance.
- Compared to the total, licensees with **Presenters with Commercial Agreements** (95.0%, n=19) and those in **Queensland** (89.1%, n=57) are more likely to have nominated a senior manager or officer with responsibility for compliance. On the other hand, **S40 licensees** (71.4%, n=5), those in **Metropolitan** locations (64.0%, n=32), and those in **Tasmania** (16.7%, n=2) are less likely to do so.
- Over half (56.8%, n=142) of commercial radio licensees have appointed a senior manager or officer with compliance over twelve months ago, and a further 18.4% (n=46) have appointed a senior manager or officer only recently, between three and six months ago. Licensees in **New South Wales** (41.8%, n=33) and **Earnings Band 2** (37.1%, n=23) are more likely to have done so recently (three to six months ago) compared to the total, while those in **Western Australia** (88.9%, n=32) are more likely to have done so over twelve months ago.
- Among those commercial radio licensees who participated in the study, 82.8% (n=207) have provided a copy of the written compliance policy, standards and the codes to members of all staff who work in all operational areas of the station or network. Licensees with **Presenters with Commercial Agreements** (95.0%, n=19), those in **New South Wales** (96.2%, n=76) and those in **Metropolitan** locations (94.0%, n=47) were more likely to have done so. In contrast, **S40** licensees (57.1%, n=4), **Independents** (62.5%, n=15), and licensees in **Victoria** (69.7%, n=23) and **Western Australia** (66.7%, n=24) were less likely to have done so.
- With regard to informing staff about compliance, 86.0% (n=215) of licensees have developed a formal training program, 83.6% (n=209) conduct training during induction of new staff members, and 78.8% (n=197) conduct training with all members of staff at least once a year to inform them about compliance. In terms of the various training undertaken, the following subgroup differences were evident:

Developed a formal training program

- Licensees with **Presenters with Commercial Agreements** (95.0%, n=19), those in **New South Wales** (96.2%, n=76) and **Metropolitan** areas (96.0%, n=48) are more likely to have developed a formal training program.
- **S40 licensees** (28.6%, n=2), those in **Queensland** (75.0%, n=48), **Victoria** (72.7%, n=24) and **Independents** (58.3%, n=14) are less likely to have developed a formal training program.

Conducted training during induction

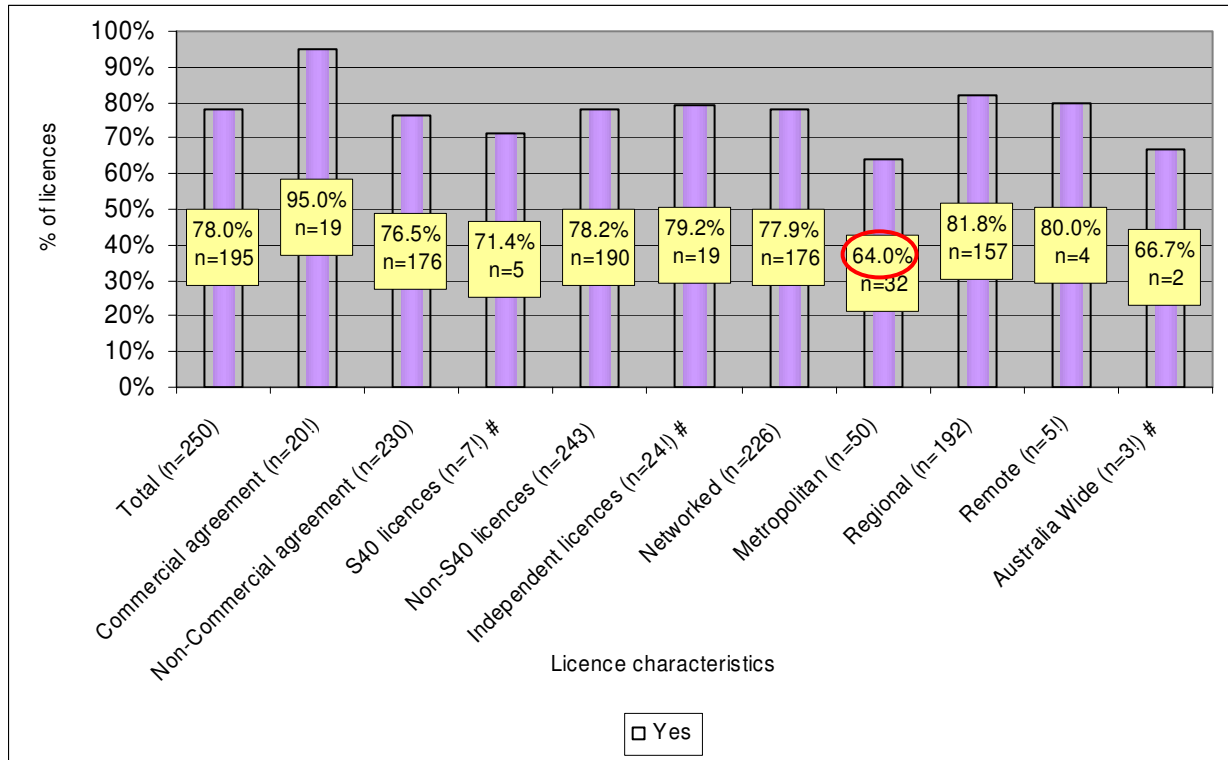
Results were fairly consistent between the various types of licensees who had developed a training program for induction of new staff members to inform them about compliance.

Conducted training at least once a year

- Licensees with **Presenters with Commercial Agreements** (95.0%, n=19), in **New South Wales** (93.7%, n=74) and in **Metropolitan** areas (92.0%, n=46) were more likely to have conducted training among staff at least once a year.
- **S40 licensees** (n=0), Licensees in **Queensland** (56.3%, n=36) and **Independents** (33.3%, n=8) were less likely to have conducted training among staff at least once a year.

5.2 Senior Manager or Officer with Responsibility for Compliance

Figure 6: Appointed a Senior Manager or Officer with Responsibility for Compliance



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Among all commercial radio licensees who participated in the study, 78.0% (n=195) have appointed a senior manager or officer who has primary responsibility for ensuring that their organisation complies with the formal written compliance policy.

Although not significant due to the small sample size, licensees who have a **Presenter with a Commercial Agreement** (95.0%, n=19) were more likely to have a senior manager responsible for compliance compared to **Non-Commercial Agreement** licensees (76.5%, n=176).

Consistent with the total for all commercial radio licensees, 78.2% (n=190) of **non-S40** licensees have appointed a senior manager or officer with responsibility for compliance. Fewer (71.4%, n=5) of the **S40** licensees who participated in the study have appointed a senior manager or officer with responsibility for compliance, though this represents all of the **S40** licensees who have developed a compliance policy.

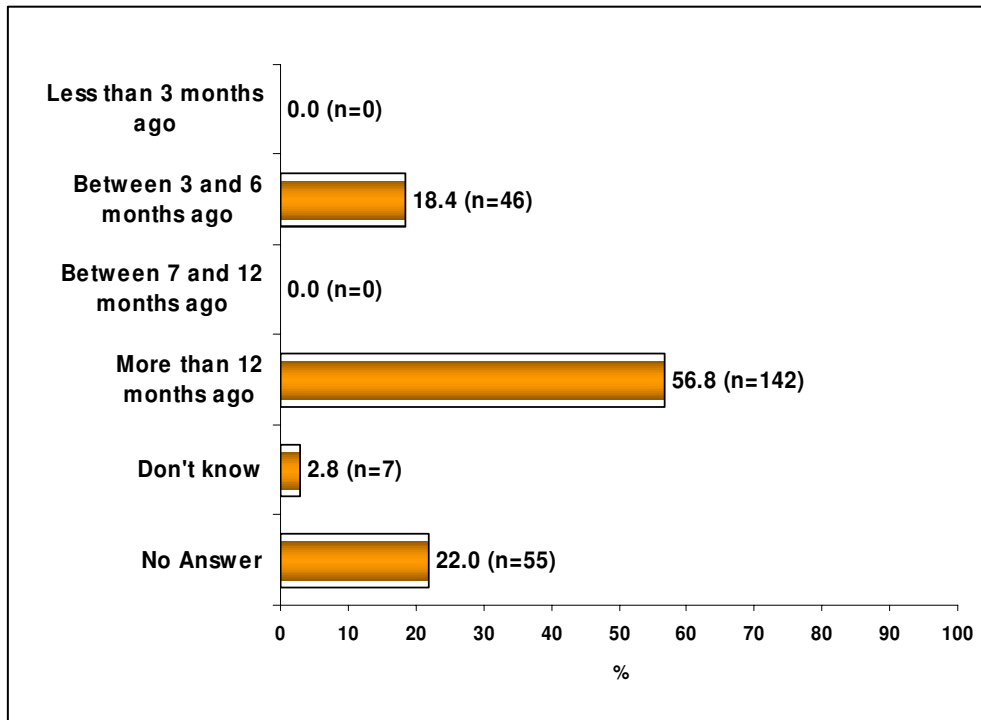
The proportion of **Independent** licensees who have appointed a senior manager or officer with responsibility for compliance is consistent with the total at 79.2% (n=19).

Licensees in **Metropolitan** locations (64.0%, n=32) are significantly less likely than the total (78.0%, n=195) and **Regional** licensees (81.8%, n=157) to have appointed a senior manager or officer with responsibility for compliance. Licensees in **Queensland** (89.1%, n=57) are significantly more likely than the total to have nominated a compliance officer than the total (78.0%, n=195). Although not significant due to the sample size, licensees in **Tasmania** (16.7%, n=2) are less likely to have done so.

For the licensee with a **Presenter who has a Commercial Agreement** who has not appointed a senior officer, responsibility is divided between stations.

“At each station, the General Manager is appointed to have responsibility. There is no one person in the network who has overall responsibility.” (Commercial Agreement)

Figure 7: When Appointed a Senior Manager or Officer with Responsibility for Compliance



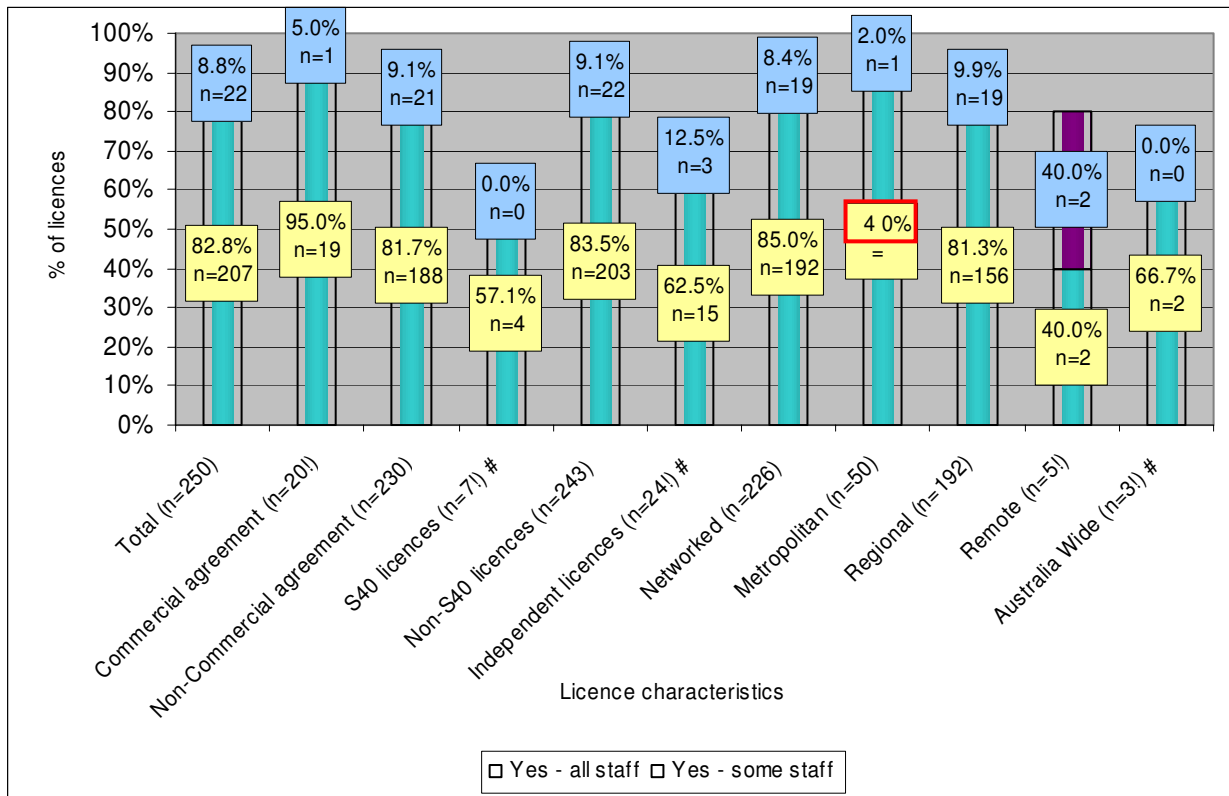
Please note: while the base is all respondents, this question was only asked of those who had appointed a senior manager or officer with responsibility for compliance.

Over half (56.8%, n=142) of commercial radio licensees have appointed a senior manager or officer with compliance over twelve months ago. A further 18.4% (n=46) have appointed a senior manager or officer only recently, between three and six months ago.

Licensees in **New South Wales** (41.8%, n=33) and in **Earnings Band 2** (37.1%, n=23) are significantly more likely than the total (18.4%, n=46) to have appointed a senior manager or officer with responsibility for compliance only recently, between three and six months ago. Licensees in **Western Australia** (88.9%, n=32) are significantly more likely than the total (56.8%, n=142) to have appointed a senior manager or officer more than twelve months ago.

5.3 Copy of the Written Compliance Policy, Standards, and Codes Provided to Staff

Figure 7: Copy of Compliance Policy, Standards, and Codes Provided to Staff



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Just over eight in ten (82.8%, n=207) licensees have provided a copy of the written compliance policy, standards and the codes to all members of staff at their station or network, and a further 8.8% (n=22) have provided a copy to some members of staff.

Although not significant due to the small sample size, licensees with a **Presenter who has a Commercial Agreement** (95%, n=19) were more likely to have provided a copy of the policy to all staff compared to **Non-Commercial Agreement licensees**(81.7%, n=188).

Consistent with the total, 83.5% (n=203) **non-S40** licensees have provided a copy to all staff. Although not significant due to the small sample size, **S40** licensees (57.1%, n=4) are less likely to have given their staff a written copy of the compliance policy, standards and codes to all staff, and none (n=0) have given a copy to some staff.

Though not significant due to the small sample size, less **Independent** licensees (62.5%, n=15) are less likely to have provided a copy to all staff than **Networked** licensees (85.0%, n=192).

In contrast, licensees in **Metropolitan** locations (94.0%, n=47) are significantly more likely to have provided a copy of the written compliance policy to all members of staff compared to the total sample (82.8%, n=207).

A comparison of the different states shows that licensees in **New South Wales** (96.2%, n=76) are significantly more likely than the total (82.8%, n=207) to have provided a copy of the written compliance policy, standards and codes to all members of staff, and are significantly more likely to have done so than licensees in **Queensland** (78.1%, n=50), **Victoria** (69.7%, n=23) and **Western Australia** (66.7%, n=24), as shown in Table 4. Licensees in **Western Australia** (30.6%, n=11) are significantly more likely than the total (8.8%, n=22) to have provided a copy of the written policies to some members of staff, while those in **Victoria** are more likely to have not provided a copy to any members of staff (27.3%, n=9).

Table 4: Copy of Compliance Policy, Standards, and Codes Provided to Staff – States Comparison

	%									
	Total (n=250) A	ACT (n=2!)# B	NSW (n=79) C	NT (n=5!) D	QLD (n=64) E	SA (n=16!) F	TAS (n=12!) G	VIC (n=33) H	WA (n=36) I	Australia Wide (n=3!)# J
Copy provided to all members of staff	82.8 (n=207)	100 (n=2)	96.2 AEHI (n=76)	40.0 (n=2)	78.1 (n=50)	100 (n=16)	100 (n=12)	69.7 (n=23)	66.7 (n=24)	66.7 (n=2)
Copy provided to some members of staff	8.8 C (n=22)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	15.6 C (n=10)	0.0 (n=0)	0.0 (n=0)	3.0 (n=1)	30.6 ACH (n=11)	0.0 (n=0)
No copy provided	4.4 (n=11)	0.0 (n=0)	1.3 (n=1)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	27.3 ACEI (n=9)	2.8 (n=1)	0.0 (n=0)
No answer	4.0 (n=10)	0.0 (n=0)	2.5 (n=2)	60.0 (n=3)	6.3 (n=4)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	33.3 (n=1)

Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Among the different Population Sizes, licensees who have a population between 40,000 and 100,000 (10.3%, n=7) are more likely to have not provided a copy of the written compliance policy, standards and codes to all members of staff compared with those with a Population under 40,000 (1.7%, n=1) and those over 100,000 (2.5%, n=3).

For all licensees with **Presenters with a Commercial Agreements**, a copy of the policy is provided to staff at induction. Some of these licensees also provide a copy to staff during annual training, or have a hard copy or electronic available for staff at the office.

“This information is provided to operational staff both during induction and ahead of annual compliance training.” (Commercial Agreement)

“All staff have electronic copies of this information available on the intranet.” (Commercial Agreement)

“A hard copy of the Company Policy Manual is also available in all staff rooms of stations.” (Commercial Agreement)

The **S40** licensee who has not provided a copy of the policy to staff, provided the reasons that copies of the codes are available elsewhere.

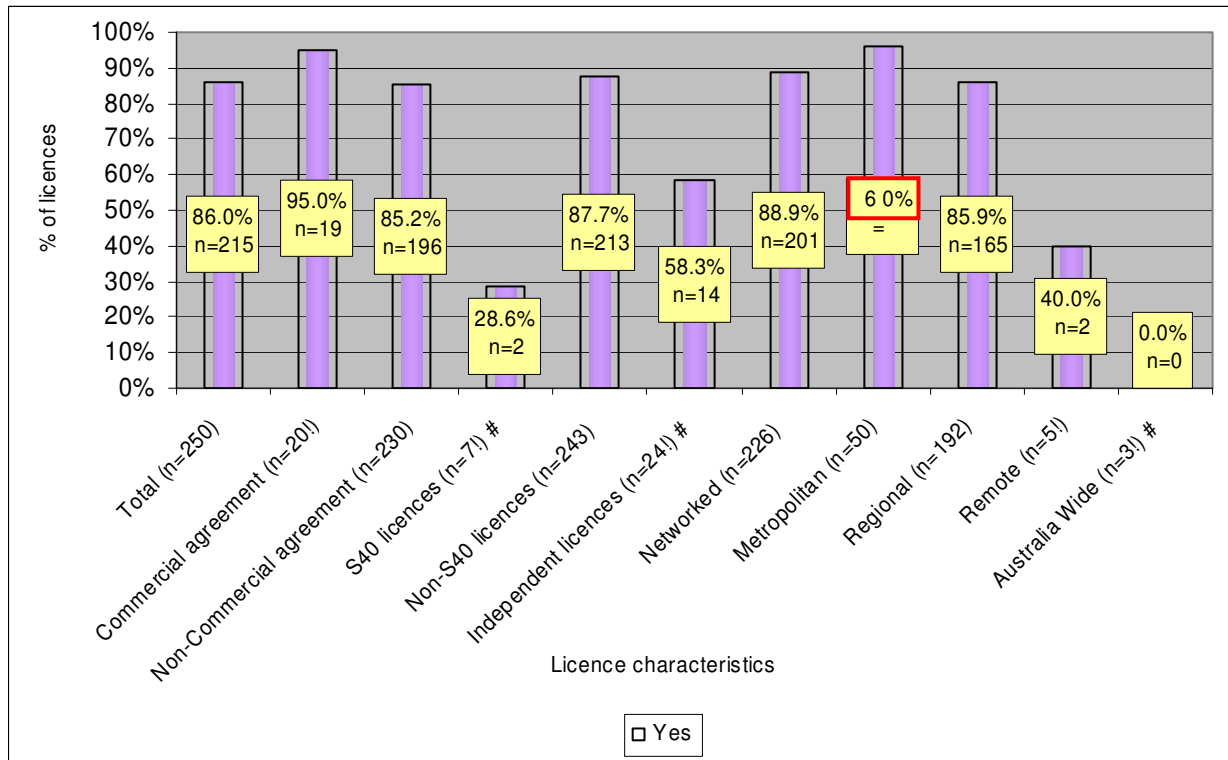
“Compliance standards (are) available online.” (S40 licence)

Consistent with licensees with **Presenters with a Commercial Agreements**, most other licensees have provided copies of their policy to staff during induction or annually.

“When joining company and then annually.” (Networked)

5.4 Training Programs

Figure 8: Developed a Formal Training Program



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Nearly nine in ten (86.0%, n=215) of commercial radio licensees have developed a formal training program to inform staff in all operational areas about compliance.

Although not significant due to the small sample size, licensees with a **Presenter with a Commercial Agreement** (95.0%, n=19) were slightly more likely to have developed a formal training program compared to **Non-Commercial Agreement licensees** (85.2%, n=196).

Consistent with the total, 87.7% (n=213) of **non-S40** licensees who have developed a compliance program have developed a formal training program. Though not significant due to the small sample size, fewer **S40** licensees (28.6%, n=2) have developed a training program.

Although not significant due to the small sample size, **Independents** (58.3%, n=14) are less likely to have developed a formal training program compared to **Networked** licensees (88.9%, n=201).

Licensees in **Metropolitan** locations (96.0%, n=48) are significantly more likely to have developed a formal training program to inform staff about compliance compared to the total sample (86.0%, n=215).

Licensees in **New South Wales** (96.2%, n=76) are significantly more likely to have developed a formal training program compared to the total (86.0%, n=215). In contrast, licensees in **Queensland** (75.0%, n=48) and **Victoria** (72.7%, n=24) are significantly less likely to have done so. This is highlighted in Table 5.

Table 5: Copy of Compliance Policy, Standards, and Codes Provided to Staff – States Comparison

	%									
	Total (n=250) A	ACT (n=2!)# B	NSW (n=79) C	NT (n=5!) D	QLD (n=64) E	SA (n=16!) F	TAS (n=12!) G	VIC (n=33) H	WA (n=36) I	Australia Wide (n=3!)# J
Yes	86.0 EH (n=215)	100 (n=2)	96.2 AEH (n=76)	40.0 (n=2)	75.0 (n=48)	100 (n=16)	100 (n=12)	72.7% (n=24)	97.2 EH (n=35)	0.0 (n=0)
No	10.0 C (n=25)	0.0 (n=0)	1.3 (n=1)	0.0 (n=0)	18.8 CI (n=12)	0.0 (n=0)	0.0 (n=0)	27.3 ACI (n=9)	2.8 (n=1)	66.7 (n=2)
Don't Know	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)
No answer	4.0 (n=10)	0.0 (n=0)	2.5 (n=2)	60.0 (n=3)	6.3 (n=4)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	33.3 (n=1)

Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

For those licensees with a **Presenter with a Commercial Agreement**, the training program they have developed tends to be a presentation by a senior staff member or, in one case, by external lawyers.

“The training program outlines in summary the key points of each of the Standards for the General Manager to outline.” (Commercial Agreement)

“External lawyers have been used to provide compliance training to on-air and production staff.” (Commercial Agreement)

More in-depth training is provided by some stations, in one case involving testing of staff.

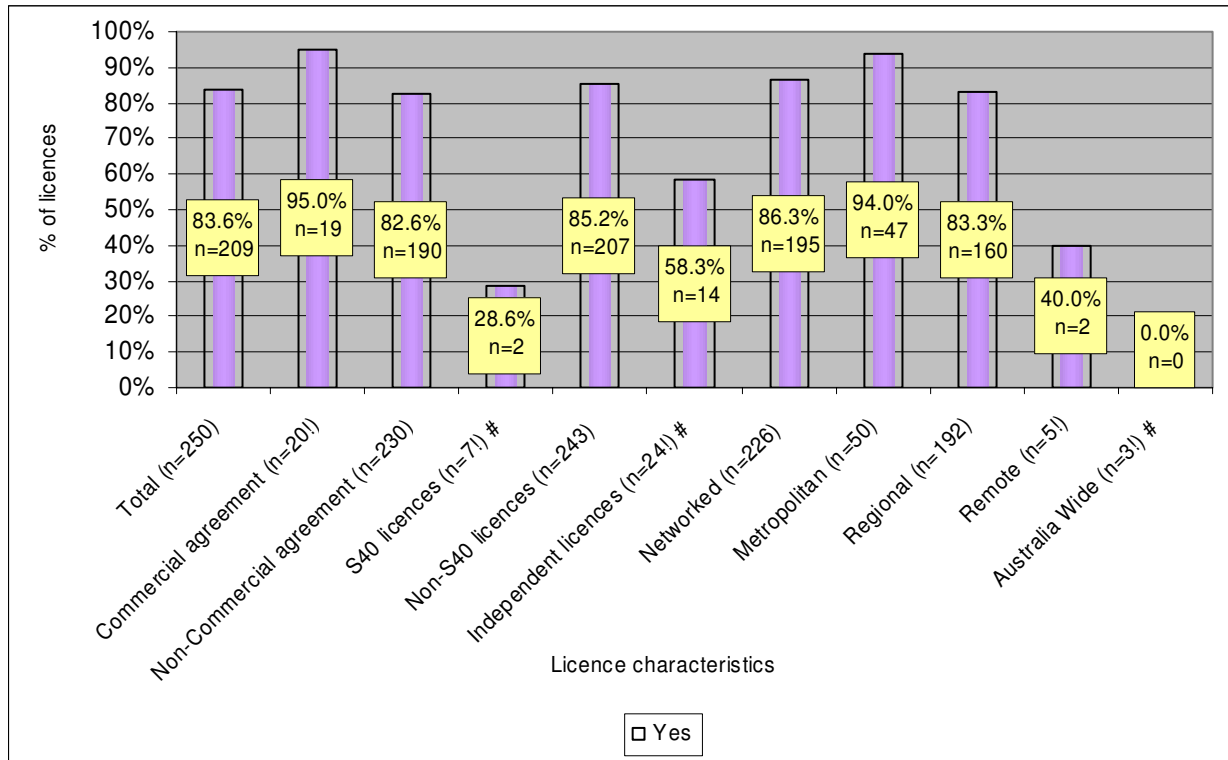
“One-on-one or small group compliance training is sometimes conducted for some staff who commence employment in between annual compliance sessions or who have demonstrated difficulties in their understanding of the compliance policy.” (Commercial Agreement)

“After watching the presentation, staff then undertake a test.” (Commercial Agreement)

In only one case is specific mention made of the Disclosure Statement.

“Current affairs stations' training... has a strong focus on the Disclosure Statement.” (Commercial Agreement)

Figure 9: Conduct Training During Induction



Please note: while the base is all respondents, this question was only asked of those who had developed a formal training program.

Training is conducted during induction of new staff by 83.6% (n=209) of the licensees who participated in the study.

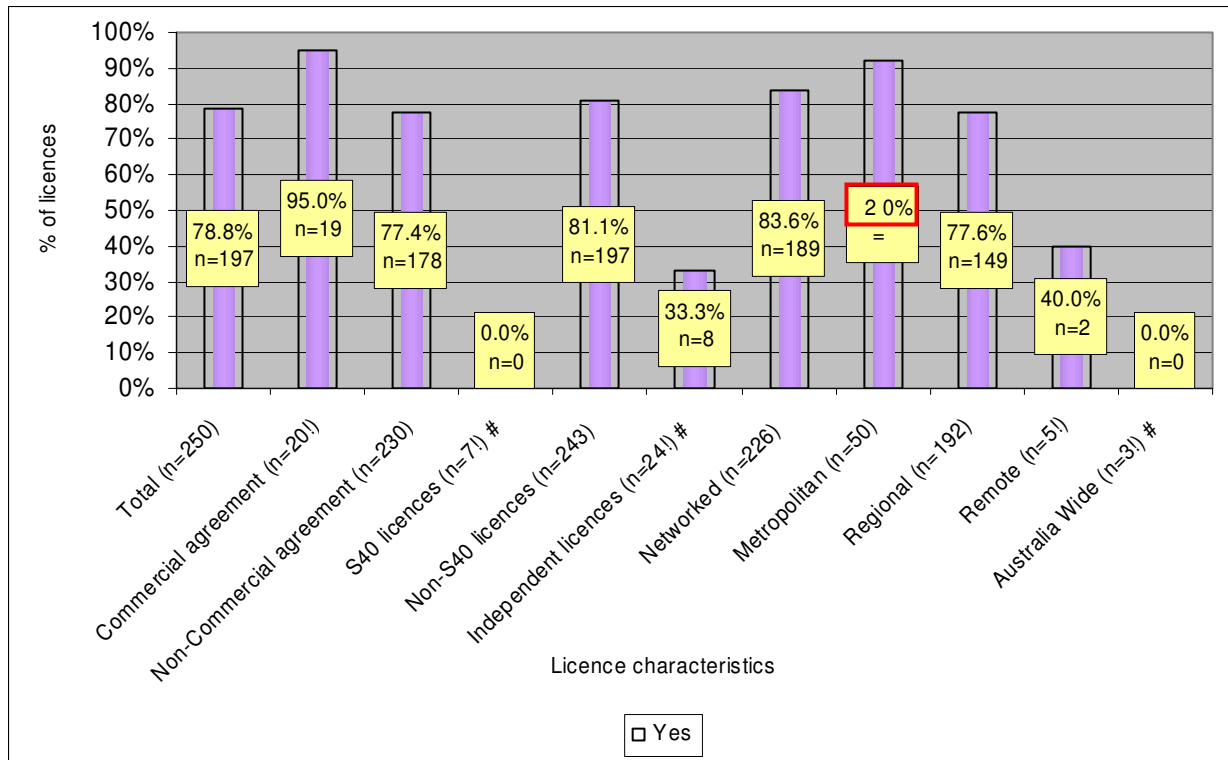
Although not significant due to the sample size, more licensees with **Presenters with Commercial Agreements** (95.0%, n=19) conduct training at induction compared to **Non-Commercial Agreement licensees** (82.6%, n=190).

Consistent with the total, 85.2% (n=207) of **non-S40** licensees conduct training at induction. Though again not significant due to sample size, fewer **S40** licensees (28.6%, n=2) conduct training at induction. **Independent** licensees (58.3%, n=14) are also less likely to conduct training at induction compared to **Networked** licensees (86.3%, n=195).

More licensees in **Metropolitan** areas (94.0%, n=47) conduct training at induction than those in **Regional** areas (83.3%, n=160).

Among the different states, licensees in **Western Australia** (97.2%, n=35) and **New South Wales** (93.7%, n=74) are significantly more likely than the total (83.6%, n=209), and those in **Queensland** (71.9%, n=46) and **Victoria** (66.7%, n=22), to conduct training at induction.

Figure 10: Conduct Training At Least Once a Year



Please note: while the base is all respondents, this question was only asked of those who had developed a formal training program.

Just under eight in ten (78.8%, n=197) of commercial radio licensees conduct compliance training with staff at least once a year.

Although not significant due to the small sample size, licensees with **Presenters with Commercial Agreements** (95.0%, n=19) are more likely to have conducted training at least once a year compared to **Non-Commercial Agreement licensees** (77.4%, n=178).

Consistent with the total, 81.1% (n=197) of **non-S40** licensees conduct training at least once a year. However, no (n=0) **S40** licensees do so.

For the **S40** licensees who have not conducted training at least once a year, the main concern appears to be a lack of awareness of the standard.

“We were not aware of the obligation until 2006. Training has been carried out since then.” (S40 licence)

Although not significant due to small sample sizes, **Independents** (33.3%, n=8) are less likely to have conducted compliance training at least once a year compared to **Networked** licensees (83.6%, n=189).

Licensees in **Metropolitan** areas (92.0%, n=46) are significantly more likely than the total (78.8%, n=197) and licensees in **Regional** areas (77.6%, n=149) to conduct training at least once a year. Among the various states, licensees in **New South Wales** (93.7%, n=74) are significantly more likely than the total (78.8%, n=197) to conduct training at least once a year, while licensees in **Queensland** (56.3%, n=36) are significantly less likely to do so.

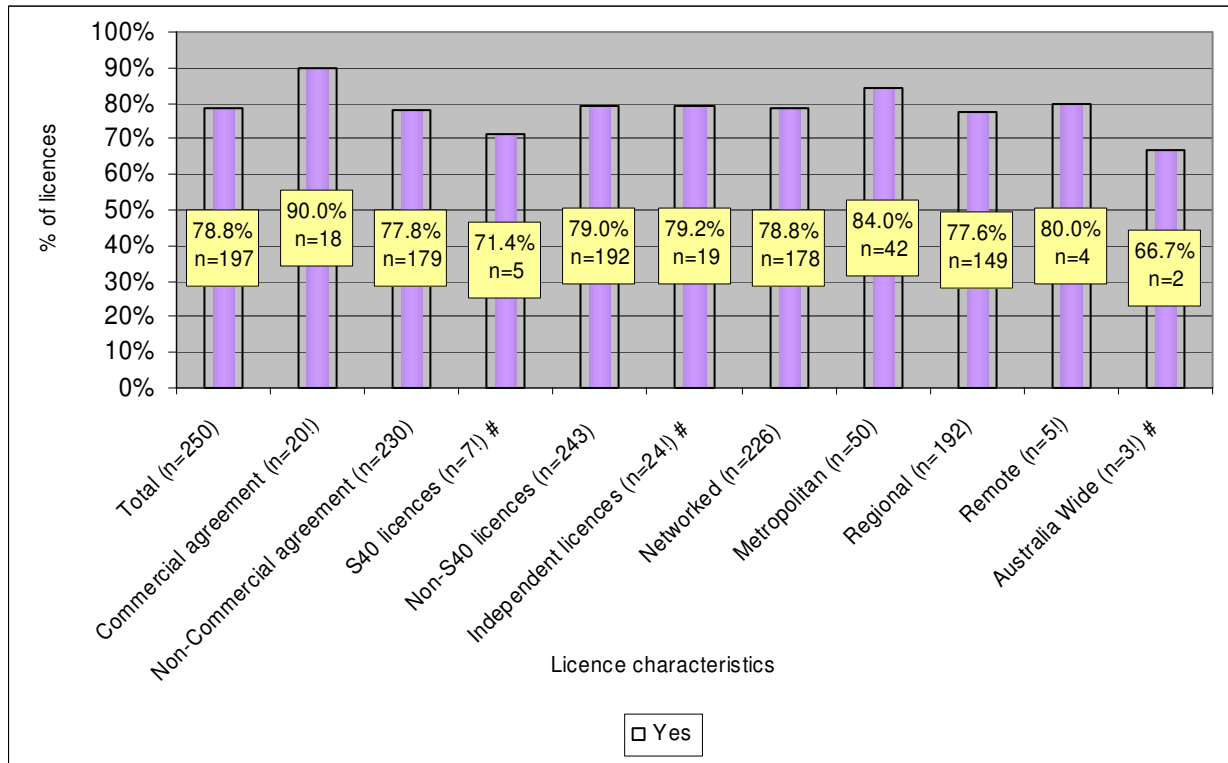
6. Monitoring of the Compliance Program

6.1 Chapter Overview

- Just under eight in ten (78.8%, n=197) commercial radio licensees have a monitoring strategy for a compliance program.
- Consistent with the total, 79.0% (n=192) **Non-S40 licensees** have a monitoring strategy for their compliance program.
- The rate of having a monitoring strategy is generally consistent across the various licence characteristics, though licensees in **Western Australia** (97.2%, n=35) are significantly more likely to have a monitoring strategy than the total and licensees in **Earnings Band 4** (64.4%) n=38 are significantly less likely.
- Though not significant, licensees with **Presenters with a Commercial Agreement** (90.0%, n=18) and in **Metropolitan** areas (84.0%, n=42) are more likely to have a monitoring strategy, while **S40 licensees** (71.4%, n=5) are less likely.
- Monitoring strategies tend to include monitoring of complaints, reports from and on-air monitoring by senior staff such as station managers, and for **S40** licensees, discussions with operational staff members.
- Around seven in ten (70.4%, n=176) of commercial radio licensees who have a compliance program have conducted an annual audit of compliance.
- Consistent with the total, 71.6% (n=174) of **Non-S40** licensees have conducted an annual audit of compliance.
- Eight in ten (80.0%, n=16) licensees with a **Presenters with Commercial Agreements** have conducted an annual audit, while only 28.6% (n=2) **S40** licensees are aware of an annual audit being conducted, with a further 28.6% (n=2) unsure.
- Only 45.8% (n=11) of **Independent** licensees have ever conducted an annual audit, compared to 70.4% (n=176) of the total.
- Among the various locations and states, those in **Victoria** (93.9%, n=31), **Western Australia** (91.7%, n=33) and **Metropolitan** areas (92.0%, n=46) are significantly more likely to have conducted an annual audit of compliance than the total (70.4%, n=176), while those in **New South Wales** (51.9%, n=41) are significantly less likely to have.
- Those in **Earnings Band 4** (83.1%, n=49) are significantly more likely than the total to have conducted an annual audit, while those in **Earnings Band 2** (40.3%, n=25) are significantly less likely to have done so.
- For those licensees with **Presenters with Commercial Agreements** who have conducted an annual audit, the audit has focussed on staff awareness of the issues and, in a few cases, any agreements made. Other licensees who have conducted annual audits also focus on staff awareness, as well as the appropriateness of on-air content.
- For those licensees with **Presenters with Commercial Agreements** who have not conducted an annual audit, the reasons appear to be due to business structure and resources available. For other licensees and **S40** licensees, many do not see them as necessary as they are already monitoring compliance on an ongoing basis.

6.2 Monitoring Strategy for the Compliance Program

Figure 11: Have Monitoring Strategy for Compliance Program



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Just under eight in ten (78.8%, n=197) commercial radio licensees have a monitoring strategy for a compliance program.

Licensees with **Presenters with a Commercial Agreement** (90.0%, n=18) are more likely to have a monitoring strategy for their compliance program than the total.

Consistent with the total, 79.0% (n=192) **non-S40** licensees have a monitoring strategy, while slightly fewer (71.4%, n=5) **S40** licensees do.

Consistent with the total, 79.2% (n=19) of **Independent** licensees have a monitoring strategy. Among the various Locations, the rate of having a monitoring program is generally consistent, though those in **Metropolitan** areas have a slightly higher rate (84.0%, n=42). Licensees in **Western Australia** (97.2%, n=35) are significantly more likely than the total to have a monitoring strategy for a compliance program.

Licensees in **Earnings Band 4** (64.4%, n=38) are significantly less likely than the total to have a monitoring strategy.

When asked to describe what has been done to monitor the compliance program, licensees with **Presenters with Commercial Agreements** tend to highlight the monitoring of complaints made as well as day-to-day operations by local managers and compliance officers to listen to on-air content.

"Like most music networks, we rely on audience complaints and feedback as an indicator of whether programs are meeting community standards." (Commercial Agreement)

"The compliance officer listens on an ad hoc basis to broadcasts made by the stations."
(Commercial Agreement)

In some cases, reports or other documentation such as compliance certificates are produced as evidence of compliance.

"The General Manager of each station prepares a Monthly and Quarterly Monitoring Report in respect of compliance with the Compliance Program Standard, and the Program Director prepares a Weekly Report."
(Commercial Agreement)

Among those licensees with **Presenters with Commercial Agreements** who have not monitored their compliance program, the issue appears to be one of available resources.

"We do not have the resources to undertake such a monitoring process." (Commercial Agreement)

Among S40 licensees who have a monitoring program for compliance, discussions with operational staff constitutes most of the monitoring done.

"If there are any interviews done, we talk to the presenter about compliance." (S40 licence)

"It's discussed at least annually as required with staff." (S40 licence)

Among other licensees who have a monitoring strategy for their compliance program, monitoring appears to be mostly done on a day-to-day basis by a manager or other officer responsible for compliance.

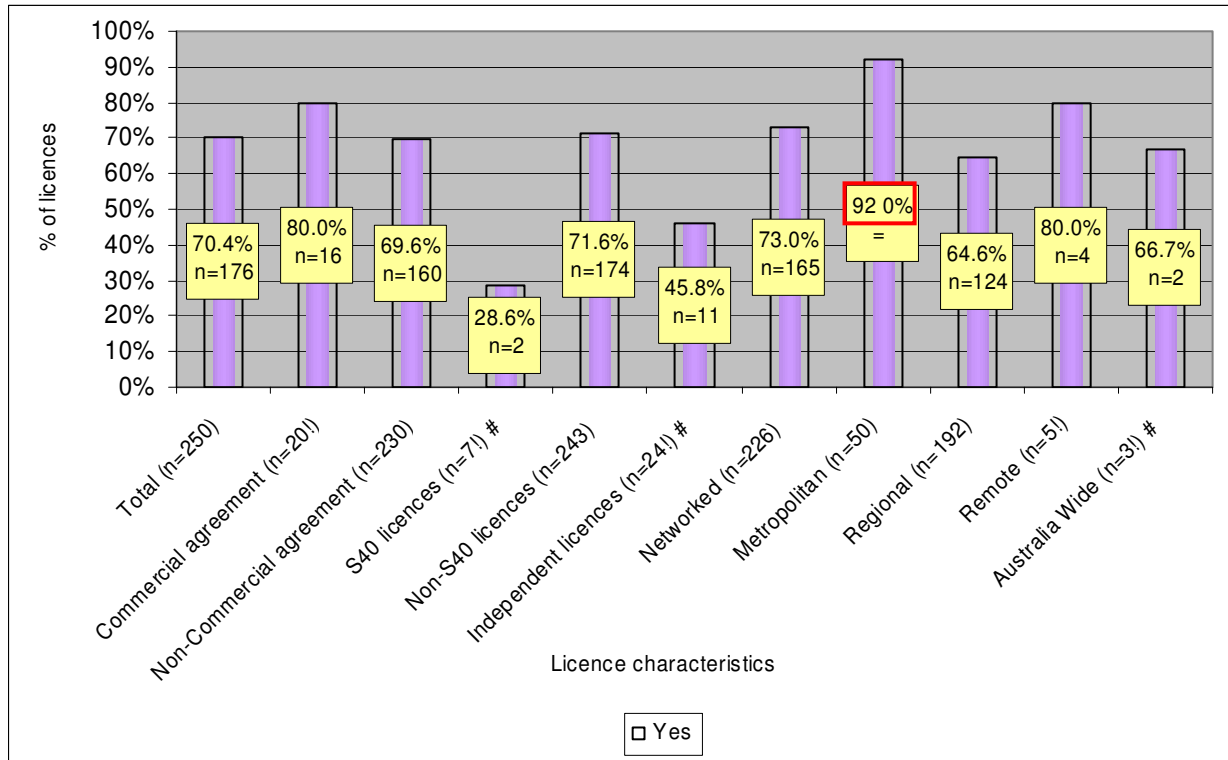
"Monitored by (the) Station Manager." (Independent)

"Daily monitoring occurs through hands-on involvement in the program area by the General Manager and Program Director." (Independent, Western Australia)

"Questionnaire completed by station management." (Networked)

6.3 Annual Audit of Compliance

Figure 12: Ever Conducted Annual Audit of Compliance



Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Only around seven in ten (70.4%, n=176) of commercial radio licensees have conducted an annual audit of compliance at any time.

Among licensees with **Presenters with Commercial Agreements** who have a compliance program, 80.0% (n=16) have conducted an annual audit of compliance, which is marginally higher than the total (70.4%, n=176).

Though not significant due to the sample size, **S40** licensees (28.6%, n=2) are much less likely to be able to say that they have ever conducted an annual audit of compliance compared to the total (70.4%, n=176). Consistent with the total, 71.6% (n=174) of **non-S40** licensees have conducted an annual audit of compliance.

Though not significant due to the small sample size, indicatively fewer **Independent** licensees (45.8%, n=11) have conducted an annual audit of compliance than the total (70.4%, n=176).

Licensees in **Metropolitan** areas (92.0%, n=46) are significantly more likely than the total (70.4%, n=176) to have conducted an annual audit of compliance. These licensees are also significantly more likely to have conducted an annual audit than those in **Regional** areas (64.6%, n=124).

With respect to the various states, those licensees in **Victoria** (93.9%, n=31) and **Western Australia** (91.7%, n=33) are significantly more likely than the total (70.4%, n=176) to have conducted an annual audit, while those in **New South Wales** (51.9%, n=41) are significantly less likely. Licensees located in **Queensland** (12.5%, n=8) are significantly more likely to not know whether an audit has been conducted than the total (3.2%, n=8).

Table 6: Ever Conducted Annual Audit of Compliance – States Comparison

	%									
	Total (n=250) A	ACT (n=2!)# B	NSW (n=79) C	NT (n=5!) D	QLD (n=64) E	SA (n=16!) F	TAS (n=12!) G	VIC (n=33) H	WA (n=36) I	Australia Wide (n=3!)# J
Yes	70.4 C (n=176)	100 (n=2)	51.9 (n=41)	40.0 (n=2)	57.8 (n=37)	100 (n=16)	100 (n=12)	93.9 ACE (n=31)	91.7 ACE (n=33)	66.7 (n=2)
No	22.4 H (n=56)	0.0 (n=0)	45.6 AEHI (n=36)	0.0 (n=0)	23.4 H (n=15)	0.0 (n=0)	0.0 (n=0)	6.1 (n=2)	8.3 (n=3)	0.0 (n=0)
Don't Know	3.2 (n=8)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	12.5 ACHI (n=8)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)
No answer	4.0 (n=10)	0.0 (n=0)	2.5 (n=2)	60.0 (n=3)	6.3 (n=4)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)	33.3 (n=1)

Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

Among the various Population Sizes, licensees with a **Population Size of under 40,000** (56.7%, n=34) are significantly less likely than the total to have conducted an annual audit of compliance than the total (70.4%, n=176).

Among the various Earnings Bands, licensees in **Earnings Band 4** (83.1%, n=49) are significantly more likely to have conducted an annual audit of compliance than the total (70.4%, n=176), and those in **Earnings Band 2** (40.3%, n=25) are significantly less likely to do so, as shown in Table 7.

Table 6: Ever Conducted Annual Audit of Compliance – Earnings Comparison

	%			
	Conducted Audit	Not Conducted Audit	Don't Know	No Answer
Total (n=250)	70.4 (n=176)	22.4 (n=56)	3.2 (n=8)	4.0 (n=10)
Band 1 (n=10!)	70.0 (n=7)	10.0 (n=1)	0.0 (=0)	20.0 (n=2)
Band 2 (n=62)	40.3 (n=25)	45.2 (n=28)	9.7 (n=6)	4.8 (n=3)
Band 3 (n=82)	70.7 (n=58)	23.2 (n=19)	2.4 (n=2)	3.7 (n=3)
Band 4 (n=59)	83.1 (n=49)	13.6 (n=8)	0.0 (n=0)	3.4 (n=2)
Band 5 (n=23!)	100 (n=23)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)
Band 6 (n=14!)	100 (n=14)	0.0 (n=0)	0.0 (n=0)	0.0 (n=0)

Please note: while the base is all respondents, this question was only asked of those who had developed a compliance program.

For the licensees with a **Presenter with a Commercial Agreement** who have not conducted any annual audits of compliance, the reasons provided seem to be connected with internal business structural issues and operational practices.

“Although a formal annual audit has not been conducted, (we have) adopted an ongoing audit of compliance responsibilities within the network. These 'audits' are undertaken on a regular basis by the compliance officer through a co-ordinated approach to reporting and constant liaison/contact with station managers. (We have) found this approach to better suit (our) resourcing and overall network structure.”
(Commercial Agreement)

“Due to the amalgamation of stations and owners and building the network the audit has not been conducted.” (Commercial Agreement)

For a licensee who has not completed at least three annual audits, the issue is one of resources:

“We do not have the resources to undertake an annual audit.” (Commercial Agreement)

For those licensees with Presenters with Commercial Agreements who have conducted annual audits, staff awareness of compliance issues and an audit of record keeping appear to be the main areas the audit targets. In a few cases, testing of staff occurs to evaluate awareness of the *Compliance Program Standard*.

“The Checklist has asked managers to confirm whether... relevant personnel (radio and television) have read, understood and are cognisant with the BSA obligations and... whether all on-air radio talent have undertaken and passed MSCM Radio On-Air Guidelines test. Station managers are also asked to confirm that relevant documentation is on file to support this.” (Commercial Agreement)

In only a few cases is specific mention made of auditing advertisements and disclosure on air during current affairs programs of third party agreements.

“(We audit) advertising - to ensure advertisements are clearly distinguished from other programs and compliance of advertising agreements (and) current affairs programs - disclosure of third party agreements.” (Commercial Agreement)

For those **S40** licensees who have not conducted an annual audit of compliance, the reason appears to be that they feel they are already monitoring compliance and so don't need to conduct an audit.

“We tend to deal with these matters on a case by case basis, rather than sitting down and looking at what we have done for the year.” (S40 licensee)

Among those licensees who have completed an annual audit, what is covered during the audit varies. In some cases, the focus appears to be on staff awareness and training.

“We review on a regular basis (and) all staff must sign (a) compliance training sheet.”
(Independent, Regional / Remote)

“(The) questionnaire covers... Staff awareness of Standards & Industry Codes... (and) Training”
(Networked)

For others, the focus appears to be on on-air content:

“Any agreements the on air people may or may not have had with third parties.”
(Networked)

“Compliance with local content.” (Networked, Regional / Remote)

Other than these two points, licensees just mention that they audit compliance in general.

“Compliance with the Compliance, Advertising and Program Standards.”
(Independent, Regional / Remote)

For those licensees who have not conducted annual audits or have not conducted at least three annual audits, they appear to believe that an annual audit is unnecessary at their stations or network, in most cases because of on-going reviews.

“Not deemed necessary.” (Networked, Regional / Remote)

“On-going review.” (Independent, Regional / Remote)

“As monitoring occurs daily, and the fact that the stations are music-based formats, and we receive few if not nil listener complaints regarding compliance with the Codes, the stations have not conducted a formal audit process.” (Independent, Regional / Remote)

7. Drawbacks and Benefits of the Compliance Program Standard

7.1 Chapter Overview

Commercial radio licensees who participated in the survey were asked to describe the main drawbacks and benefits of the standard; the impact on resources that formulating, implementing and maintaining a compliance program has had on their station or network; and any additional information or assistance that the ACMA could provide to better assist them to meet the requirements of the standard. These questions were open-ended to allow for any responses that may be given.

- The main drawbacks indicated by licensees are: its lack of relevance to individual stations or networks and the time and resources involved in compliance. Only a few licensees saw no drawbacks.
- With regard to the impact on resources of the standard, answers vary from no or very little impact to a great impact; mostly with regard to time staff take away from usual activities, time and resources to implement the policies and legal costs.
- Many licensees do not see any benefits of the standard. For those that do, the benefits are mainly that it improves staff awareness of their obligations, particularly through training; and, in general, helps with compliance with the Codes.
- Around half of commercial radio licensees require no further assistance from the ACMA to better assist them in meeting the requirements of the standard. For those that would like further assistance, they would like further clarification on terminology used and standard documentation for consistency across the industry, assistance with staff training and other documentation provided to staff, and a reduction in the burden imposed by the standard.

7.2 Main drawbacks

The major drawbacks for commercial radio licensees in the standard appear to be the time and resources required and the relevance of the standard to their station or network.

A few licensees find it a drawback that the standard is not relevant to their station or network or is not tailored to individual stations. This is particularly the case for **Regional** stations, who do not tend to feel the standard is as relevant for them.

“What I consider as unnecessary for regional stations is the disclosure and continually asking for information about endorsements that since 2000, no-one has had.”

(Independent, Regional / Remote)

“It has been implemented across the entire industry. I do not believe it is necessary for regional non-talk stations as the incidence of breaches of the standard (or potential for breaches) would be negligible.”

(Networked)

“One issue is that the standard imposes are blanket obligations across the commercial radio industry – regardless of whether the station is metro or regional; or has a talk or music format, and regardless of the level of complaints the station receives from listeners.” (Networked)

“The standard is not as relevant to radio stations that do not solely cover news and current affairs.”

(Networked)

However, in a few cases of licensees who are Networked, they feel the standard is too “pedantic” and a more general approach would be preferable.

"We... believe that the standard is too prescriptive and a more general and purposive approach might now be more appropriate." (Networked)

The time and resources involved in being compliant with the standard is also regarded as another major drawback. A number describe the standard as *"onerous"* and, in one case, *"overkill"* (Networked).

"(It is) time consuming and resource intensive." (Commercial Agreement, Networked)

"Finding the time to satisfy the upkeep needed to properly implement and maintain the program."
(Independent, Regional / Remote)

With regard to time and resources required, licensees tend to focus on the manpower hours required, and the time taken for training and audits.

"The manpower requirement for Senior Station Management." (Independent, Metropolitan)

"The annual training and annual audit are enormous projects taking considerable time and resources"
(Commercial Agreement, Networked)

In only a few cases did licensees say there were no drawbacks to the standard.

7.3 Impact on Resources of Formulating, Implementing and Maintaining the Compliance Program

When asked to describe the impact on resources that formulating, implementing and maintaining a compliance program has had, the response from commercial radio licensees varies from none at all to a major impact, mostly on time spent and staff taken away from their usual activities.

Those licensees who say that there is not much impact on resources from their compliance program tend to be disproportionately **Independents** and **S40** licensees.

"None" (S40 licence, Independent)

"Minimal (impact) once established. Time spent on maintaining is minimal."
(Networked)

"We do not regard this as an erroneous management task." (Independent)

For those licensees who say there is an impact on resources, the time and resources required to set up the program initially tends to be highlighted as a specific issue. In particular, this impact seems to be on senior staff.

"Primarily the time of department heads to put the program in place." (Networked)

The involvement of senior staff in the continuing maintenance of the programs is also highlighted as a problem, mostly to do with time taken and impact on other duties.

"There has been a small initial impact on senior staff during the formulation process as they balanced operational and administrative responsibilities." (Independent)

"Many executives spend considerable hours on compliance." (Networked)

The impact on other staff taking time out from their duties is also seen as a problem. In particular, the time taken out for staff to attend training is seen as a burden.

“Operational staff (are) removed from day to day activities to attend training.” (Independent)

“It must be remembered the resources available in some of the smaller stations are extremely limited.”
(Networked)

“The resources on implementing and maintaining the program are ENORMOUS. In the last twelve months, there have been 198 new staff employed by the two networks who have required training on induction. There are a total of over 400 staff who require annual training.” (Networked)

Another specific issue that is highlighted by a number of licensees is the legal costs involved.

“The cost of engagement of external lawyers is no less than several \$10,000 per annum and in those years where our compliance programs have been substantially updated, those costs can be even more.”
(Networked)

7.4 Main benefits

A number of commercial radio licensees, particularly those that are **Networked** or have **S40** licences, see no or very few benefits of the standard, and in one case any benefits seen are outweighed by the drawbacks.

“No appreciable benefits to the business.” (Networked)

“We can’t see any.” (S40 licence)

“We do not believe that these benefits outweigh the drawbacks.” (Commercial Agreement, Networked)

For those licensees who do see a benefit, the main benefit seen tends to be that it is seen to improve the awareness of their staff regarding their obligations, particularly through the training required.

“All staff are aware of their obligations as broadcasters to the codes and standards.”
(Independent, Regional / Remote)

“Annual training obligations do focus attention on compliance – and act as a timely reminder to our staff of our obligations.” (Commercial Agreement, Networked)

“It is an effective way of ensuring the operational staff are aware of their responsibilities on an ongoing basis during their employment.” (Commercial Agreement, Networked)

Some Independent licensees see the standard as a way of maintaining high standards of broadcasting, improve their reputation and provides a benefit to their listeners.

“None for the station, but the benefits are for the listeners.”
(S40 licence, Independent, Regional / Remote)

“To maintain a high standard of broadcasting.” (Independent, Regional / Remote)

“To ensure that we are operating within reasonable community standards.”
(Independent, Metropolitan, VIC / TAS)

“Reputational and brand enhancement” (Independent, Metropolitan)

Other licensees see the standard as providing a framework for compliance, or otherwise helping them to comply with the Codes.

“The 'elements' of the standard do provide, for all, a set of compliance frameworks”

(Commercial Agreement, Networked)

“Assists to prevent or limit any potential breaches.” (Independent, Regional / Remote)

7.5 Additional Assistance Required

Around half of commercial radio licensees say that they do not require any additional information or assistance that would benefit them to meet the requirements of the standard. In particular, **Independent** licensees tend to say that they do not require additional assistance.

For those licensees that would like some additional assistance from the ACMA, what they require is further documentation and clarification in certain areas, to provide for a single standard and consistency across the industry. In particular, a number mention that they would like the ACMA to provide training manuals or other documentation for their staff, or otherwise assist with the training of staff.

“ACMA to provide appropriate material for staff to provide a uniform standard.”
(Independent, Regional / Remote)

“Provision of template training materials and policies... Provision of personnel and resources to conduct training.” (Commercial Agreement, Networked)

“Basic kit from ACMA that can be added to our compliance training folder, outlining the scope for stations and employees of what should be complied with in terms of the standard.”
(Independent, Regional / Remote)

“ACMA provide workshops so that our staff can attend, off station, to provide ACMA's interpretation of the Standard and to interact with radio staff so that both parties obtain a mutual understanding of each other.”
(Networked)

In other cases, standard documentation is requested to clarify terms in the standard or others areas that are seen to be vaguely defined.

“Since the Compliance Program Standard came into force, I do not recall ever receiving any guidelines from ACMA about what is expected – particularly in relation to “monitoring” and “auditing”. These are vague terms.” (Commercial Agreement, Networked)

“Standard documentation could be a benefit. At present, what is required is vaguely described in the parliamentary act.” (S40 licence, Networked)

Some individual licensees require further assistance from ACMA to clarify specific issues. In one case, a licensee would like further information regarding the penalties that may be imposed.

“Greater understanding of possible restrictions / penalties that could be enforced upon the station / network.” (Networked)

Another licensee would like the ACMA to place the onus on the complainant to defend their complaint when one is made.

“I would like the ACMA to give the stations benefit of the doubt when trivial complaints are made to the Radio Stations often by certain persons or sections of the public trying to enforce their vociferous minority views.” (S40 licence, Independent, Australia Wide)

Otherwise, commercial radio licensees would like ACMA's help in reducing the burden of compliance with the standard, or at least to recognise the burden it imposes on licensees.

“Less regulation and red tape for the commercial sector... we would rather put the resources into serving our community.” (S40 licence, Networked)

“Recognition of the scope of the tasks required to comply and recognition of overall compliance instead of constant focus on the few instances of non-compliance - a sense of perspective is required.” (Commercial Agreement, Networked)

APPENDIX – Survey Instrument

N989 Project On Air Questionnaire Final Version 22.05.09

Base: Ask All

		FORMAT
Intro	<p>We are currently conducting a survey to obtain feedback from your station or network in addressing the requirements of the <i>Broadcasting Services (Commercial Radio Compliance Program) Standard 2000</i> (the 'Compliance Program Standard'). The survey is part of a broader review being undertaken by the Australian Communications and Media Authority (ACMA).</p> <p>Please be assured that answers to this survey will be held in the strictest confidence and will be combined with the responses of other participants and analysed at as a whole. No personal or station / network identifying information will be revealed to ACMA.</p> <p>Please note the licensee or an authorised agent or representative of the licensee may complete this survey.</p>	Text

[Footer:] To view our Privacy Policy, click here © 2007 DBM Consultants

Base: Ask all

		FORMAT
S1	<p>This survey relates to general compliance information concerning the following licences. Please confirm that responses to this survey are applicable to the below licences by selecting them.</p> <p>DP - Insert licence number/s <u>and</u> call sign of commercial radio station/s from sample</p>	<p>Check box</p> <p>Compulsory</p> <p>Multiple</p>

		FORMAT
S2	<p>Throughout this survey we will ask about compliance information either for a radio station (if only one) or a network (if more than one). If you are answering regarding a network of stations, where applicable please highlight any differences between individual stations in this network.</p>	Text Screen

Base: Ask all

		FORMAT
S3	<p>What is your main role or job function at [insert name of commercial station or network]?</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask all

The following questions seek to gain feedback and general information about [insert station or network] in addressing the requirements of the '*Compliance Program Standard*'.

In this survey, a reference to a compliance *program* is a reference to the total practices you may undertake concerning compliance. A reference to a compliance *policy* is a reference to a formal written compliance policy.

Base: Ask All

		FORMAT											
Q1	Thinking about the ' <i>Compliance Program Standard</i> ', how familiar would you say that you are with the requirements of the ' <i>Compliance Program Standard</i> '?	Scale											
		Not at all familiar					Extremely familiar					Don't Know	Radio Button
		1	2	3	4	5	6	7	8	9	10	11	Compulsory

Base: Ask All

		FORMAT										
Q2	Has a compliance program been <u>developed</u> for this station / network to address the requirements of the ' <i>Compliance Program Standard</i> '?	Radio Button										
		1. Yes										
	2. No											Single

Base: Ask if developed a compliance program for the station / network [Q2=1]

		FORMAT										
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<p>Q3a Please provide a brief summary of the actions this station / network has taken to <u>develop</u> a compliance program? Where applicable, please highlight any differences between individual stations in this network.</p> <hr/>	<p>Text Compulsory Open</p>
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Base: Ask if not developed a compliance program for the station / network [Q2=2]

	<p>FORMAT</p>
<p>Q3b Please provide a brief summary of the reasons for not developing a compliance program for this station / network? Where applicable, please highlight any differences between individual stations in this network.</p> <hr/>	<p>Text Compulsory Open</p>

Base: Ask All

	<p>FORMAT</p>
<p>Q4 Has a compliance program been <u>implemented</u> in practice for this station / network to comply with the requirements of the 'Compliance Program Standard'?</p> <p>1. Yes 2. No</p>	<p>Radio Button Compulsory Single</p>

Base: Ask if implemented in practice a compliance program for the station / network [Q4=1]

<hr/>	<p>FORMAT</p>
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<p>Q5a Please provide a brief summary of the actions this station / network has taken to <u>implement</u> a compliance program? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>
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Base: Ask if not implemented a compliance program for the station / network [Q4=2]

	<p>FORMAT</p>
<p>Q5b Please provide a brief summary of the reasons for not implementing a compliance program for this station / network? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if developed a compliance program for the station / network [Q2=1]

	<p>FORMAT</p>
<p>Q6 Has this station / network subsequently <u>maintained</u> a compliance program it has developed?</p> <p>1. Yes</p> <p>2. No</p>	<p>Radio Button</p> <p>Compulsory</p> <p>Single</p>

Base: Ask if maintained [Q6 = 1]

	FORMAT
<p>Q7b Please describe the actions this station / network has taken to maintain a compliance program. Where applicable, please highlight any differences between individual stations in this network.</p> <hr/>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if maintained [Q6 = 1]

	FORMAT
<p>Q7c Please describe the <u>impact on resources</u> that formulating, implementing and maintaining a compliance program has had on this station / network. Where applicable, please highlight any differences between individual stations in this network.</p> <hr/>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if not maintained compliance program for the station / network [Q6=2]

	FORMAT
<p>Q7d Please provide a brief summary of the reasons for not maintaining a compliance program for this station / network? Where applicable, please highlight any differences between individual stations in this network.</p> <hr/>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if developed a compliance program for the station / network [Q2=1]

		FORMAT
Q8	Does the Compliance Program contain a formal written compliance policy? 1. Yes 2. No	Radio Button Compulsory Single

Base: Ask if have formal written policy for the 'Compliance Program Standard' [Q8=1]

		FORMAT
Q9a	Please note at the end of the survey we will ask you to attach a copy of the formal written compliance policy documentation.	Screen Text

Base: Ask if no formal written policy for the 'Compliance Program Standard' [Q8=2]

		FORMAT
Q9b	Please provide a brief summary of the reasons for not having a formal written compliance policy in place at this station / network? _____	Text Compulsory Open

Base: Ask if developed a compliance program for the station / network [Q2=1]

	FORMAT
<p>Q10a Has this station / network a nominated senior manager or officer who has primary responsibility for ensuring that this organisation complies with the formal written compliance policy?</p> <p>1. Yes 2. No</p>	<p>Radio Button Compulsory Single</p>

Base: Ask if no senior manager or officer appointed [Q10a=2]

	FORMAT
<p>Q10b Please provide a brief summary of reasons for not having a nominated senior manager or officer who has primary responsibility for ensuring compliance with the formal written compliance policy at this station / network.</p> <p>_____</p>	<p>Text Compulsory Open</p>

Base: Ask if have nominated senior manager or officer to ensure compliance [Q10=1]

	FORMAT
<p>Q11 When was this nominated senior manager or officer first appointed to the position? Was it...</p> <p>1. Less than 3 months ago 2. Between 3 and 6 months ago 3. Between 7 and 12 months ago 4. More than 12 months ago (specify when _____) 5. Don't Know / Can't Say</p>	<p>Radio Button Compulsory Single</p>

Base: Ask if developed a compliance program for the station / network [Q2=1]

	FORMAT
<p>Q12 Has a copy of the written compliance policy, standards, and codes been provided to members of staff who work in all operational areas of this station / network? [Please interpret 'operational areas' as it applies to your station /network]</p> <p>1. Yes – copy provided to <u>all</u> members of staff 2. Yes – copy provided to <u>some</u> members of staff 3. No – copy <u>not provided</u> to members of staff</p>	Radio Button Compulsory Single

Base: Ask if provided copy of the written compliance policy, standards, and codes to all or some staff [Q12=1 or 2]

	FORMAT
<p>Q13a When would this information ordinarily be provided to members of staff who work in all operational areas of this station / network? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	Text Compulsory Open

Base: Ask if not provided copy of the written compliance policy, standards, and codes to staff [Q12=3]

	FORMAT
<p>Q13b Please provide a brief summary of the reasons for not providing the compliance program, standards, and codes to members of staff who work in all operational areas? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	Text Compulsory Open

Base: Ask if developed a compliance program for the station / network [Q2=1]

	FORMAT
<p>Q14 Which of the following has this station / network undertaken?</p> <ol style="list-style-type: none"> 1. Yes 2. No 3. Don't Know / Can't Say <p>[DP Note - Repeat response codes for each statement]</p> <p>A. <u>Developed a formal training program</u> to inform staff in all operational areas about compliance</p> <p>Ask Q14b if Q14a=1</p> <p>B. Conducted training <u>during induction</u> of all new staff members to inform them about compliance</p> <p>Ask Q14c if Q14a=1</p> <p>C. Conducted training with all members of staff in all operational areas at least once a year (<u>other than at induction</u>) to inform them about compliance.</p>	<p>Radio Button Compulsory Single</p>

Base: Ask if training program developed [Q14a = 1]

	FORMAT
<p>Q15a Please provide a brief description of the format and content of the training program that has been established at this station / network. Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if training program developed [Q14a = 1] and training program conducted with all staff [Q14c = 1] and not with staff during induction [Q14b = 2]

	FORMAT
<p>Q15b Earlier you said that this station / network had not conducted training with staff during induction to inform them about the compliance program. Please provide a brief description of the reasons for not conducting training with staff during induction.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if training program developed [Q14a = 1] and training program not conducted with all staff [Q14c = 2] and with staff during induction [Q14b = 1]

	FORMAT
<p>Q15c Earlier you said that this station / network had not conducted training with all members of staff in operational areas at least once a year (other than at induction) to inform them about the compliance program. Please provide a brief description of the reasons for not conducting training with staff at least once a year (other than at induction).</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if training program not developed [Q14a = 2]

	FORMAT
<p>Q15d Please provide a brief summary of the reasons for not developing a training program? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if developed a compliance program for the station / network [Q2=1]

	FORMAT
<p>Q16 Does this station / network have <u>amonitoring strategy</u> for the compliance program?</p> <p>1. Yes</p> <p>2. No</p>	<p>Radio Button</p> <p>Compulsory</p> <p>single</p>

Base: Ask if have strategy in place for monitoring compliance program [Q16=1]

	FORMAT
<p>Q17a Please describe what this station / network has done to monitor the compliance program. Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if not have strategy for monitoring compliance program [Q16 =2]

	FORMAT
<p>Q17b Please provide a brief summary of the reasons for not having a strategy for monitoring the compliance program? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if developed a compliance program for the station / network [Q2=1]

	FORMAT
<p>Q18 Has this station / network ever conducted an annual audit of compliance?</p> <p>1. Yes</p> <p>2. No</p> <p>3. Don't Know / Can't Say</p>	<p>Radio Button</p> <p>Compulsory</p> <p>single</p>

Base: Ask if annual audit conducted [Q18 = 1]

	FORMAT
<p>Q18a Please briefly describe what compliance aspects this station / network audits? Where applicable, please highlight any differences between individual stations in this network.</p> <p>_____</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if annual audit conducted [Q18 = 1]

	FORMAT
<p>Q19 Please specify the month and year of the last three annual audits of compliance this station / network has conducted?</p> <p>Q19a 1. Specify month/year of audit _____ 2. Did not conduct audit</p> <p>Q19b 1. Specify month/year of audit _____ 2. Did not conduct audit</p> <p>Q19c 1. Specify month/year of audit _____ 2. Did not conduct audit</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if not conducted audit at Q18a or did not conduct audit at Q19a, b, or c = 2

	FORMAT
<p>Q20 What are the reasons why this station / network has conducted fewer than three annual audits? Where applicable, please highlight any differences between individual stations in this network.</p>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask all

We'd now like to ask you a couple of questions about your overall impressions of the 'Compliance Program Standard'.

Base: Ask all I think the space can expand to whatever the participant wishes to type

		FORMAT
Q21	What are the <u>main drawbacks</u> of the 'Compliance Program Standard' for this station / network? _____ _____ _____	Text Compulsory Open

Base: Ask all

		FORMAT
Q22	What are the <u>main benefits</u> of the 'Compliance Program Standard' for this station / network? _____ _____ _____	Text Compulsory Open

Base: Ask all

		FORMAT
Q23	What additional information or assistance would this station / network like to see provided by ACMA to better assist it to meet the requirements of the 'Compliance Program Standard'? _____ _____ _____	Text Compulsory Open

CLASSIFICATION

Lastly some questions about your organisation for classification purposes only.

Base: Ask All

		FORMAT
C1	What is the ownership structure of this radio station / network? Is it... 1. Single radio licence or independent radio licence (i.e. non-networked licence) 2. Part of national radio network (i.e. multiple state operator) 3. Part of state based radio network (i.e. single state operator) 4. Other (please specify _____)	Radio Button Compulsory Single

Base: Ask all

		FORMAT
C2	How many employees work at this station / network? This includes all full-time, part-time, and casual employees. 1. 1 2. 2 to 5 3. 6 to 10 4. 11 to 20 5. 21 to 50 6. 51 to 100 7. 101 to 200 8. 201+ 9. Don't Know / Can't Say	Check box List Single

Base: Ask if have formal written policy for the 'Compliance Program Standard' [Q8=1]

	FORMAT
<p>Earlier you indicated that you had a formal written compliance policy for the 'Compliance Program Standard'.</p> <p>Please attach your compliance policy documents and return them with the email containing the link to this survey.</p> <hr/>	<p>Text</p> <p>Compulsory</p> <p>Open</p>

Base: Ask if have formal written compliance policy for the 'Compliance Program Standard' [Q8=1]

	FORMAT
<p>C3</p> <p>ACMA has asked us to inquire whether you would consent to us forwarding a copy of your formal written compliance policy to ACMA. You are not required to give this consent, and if you do, you may request that we remove all references to the name of your station / network by contacting DBM Consultants on 1800 063 989 and quoting reference number N989. Do we have your permission to pass on a copy of your formal written compliance policy to ACMA?</p> <ol style="list-style-type: none"> 1. Yes 2. No 3. Don't Know / Can't Say 	<p>Radio Button</p> <p>Compulsory</p> <p>single</p>

Thank you for participating in this survey. Your responses to this survey will remain confidential and the information provided in this survey will be supplied to ACMA in aggregate and de-identified form only. The survey data will be reported in an aggregate form in an Issues Paper scheduled for release later in 2009.