

ENFORCEABLE UNDERTAKING

ENFORCEABLE UNDERTAKING GIVEN TO THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY BY 3ZZZ ETHNIC COMMUNITY BROADCASTING ASSOCIATION OF VICTORIA LTD; ABN 62 006 559 413 UNDER SECTION 205W OF THE BROADCASTING SERVICES ACT 1992 (COMMONWEALTH).

1. Person/s giving the undertaking

This Undertaking is given to the Australian Communications and Media Authority by 3ZZZ Ethnic Community Broadcasting Association Of Victoria Ltd; ABN 62 006 559 413 under section 205W of the Broadcasting Services Act 1992 (Commonwealth) (the Act).

2. Definitions

2.1 In this Undertaking:

- (a) **3ZZZ** means 3ZZZ Ethnic Community Broadcasting Association Of Victoria Ltd.
- (b) **ACMA** means the Australian Communications and Media Authority.
- (c) **Code** means the Community Radio Broadcasting Codes of Practice 2008.
- (d) **Licensee** means 3ZZZ Ethnic Community Broadcasting Association Of Victoria Ltd.
- (e) **Undertaking** means this Enforceable Undertaking.

3. Term of the Undertaking

- 3.1 This Undertaking, having been executed by 3ZZZ, commences on the day it is executed by the ACMA (**the commencement date**).
- 3.2 This Undertaking continues for a period of 23 months from the commencement date or until it is withdrawn or varied by 3ZZZ with ACMA's consent under section 205W(3) or cancelled by the ACMA under section 205W(4) of the Act, whichever is earlier.

4. Background

- 4.1 The Licensee has held a long-term community radio broadcasting licence to represent the ethnic and general community interest in the Melbourne RA1 licence area since 3 August 1989.
- 4.2 The Licensee broadcasts in a large range of non-English languages to serve over 50 ethnic communities.
- 4.3 ACMA received complaints that the Licensee was broadcasting programs containing propaganda and misinformation about the conflict in Ukraine.
- 4.4 The segment that was the subject of the complaints was 'The Russian Program' - a Russian language radio program.
- 4.5 As a result of Investigation Report no. BI-637, ACMA found that the Licensee was in breach of clauses 3.3 and 3.6(b) of the Code.

4.6 3ZZZ acknowledges ACMA's position that its conduct contravened clauses 3.3 and 3.6(b) of the Code.

4.7 In response to ACMA's position and concerns regarding 3ZZZ'S future compliance, 3ZZZ offers this Undertaking.

5. **Undertakings**

3ZZZ undertakes it will:

5.1 Provide training for all relevant 3ZZZ staff, volunteers, and Ethnic Community Broadcasting Group Committee members, including presenters, on compliance with Code provisions.

5.2 Within 9 months of the commencement date, provide a report to the ACMA which sets out:

- (a) the names and roles of all relevant 3ZZZ staff, volunteers, and Ethnic Community Broadcasting Group Committee members, including presenters, and other persons that were trained;
- (b) the dates on which each of the relevant 3ZZZ staff, volunteers, and Ethnic Community Broadcasting Group Committee members, including presenters, and any other persons attended the training;
- (c) the focus and content of the training; and
- (d) the relevant credentials of the person who provided the training.

5.3 Within 9 months of the commencement date, establish systems, processes and practices for:

- (a) the identification of geo-political matters and environmental sensitivities that 3ZZZ reasonably considers to be of a serious nature (a serious event). In determining whether a geo-political matter or environmental sensitivity is a serious event, 3ZZZ may take into consideration any advice given to it by an Ethnic Community Broadcasting Group as to what that Ethnic Community Broadcasting Group reasonably considers to be a serious event;
- (b) providing additional advice, training and support that may be required for presenters involved in broadcasting about the serious event; and
- (c) maintaining of records of serious events, including the advice and information relied upon to identify that a matter is a serious event and any additional advice, training and support given to presenters.

5.4 Within 6 months of the commencement date, establish measures to ensure that information is available to non-English speaking listeners about the Codes and how to make a complaint about Code matters.

5.5 Within 11 months of the commencement date, provide to the ACMA a report on the establishment of these systems, processes and practices (5.3), and the measures (5.4).

5.6 Within 23 months of the commencement date, provide a report to the ACMA on the effectiveness of these actions including:

- (a) a description of any monitoring of geo-political or environmental sensitivities that has occurred in accordance with 5.3 (a) above, and, if a serious event was identified, the

additional advice, training and support that was provided for presenters in accordance with 5.3 (b);

- (b) a copy of any records maintained under the systems, processes and practices outlined in item 5.3 (c);
- (c) a description of any measures directed at ensuring that non-English speaking listeners are aware of the Codes and how to make a complaint about Code matters; and
- (d) the number of complaints received by the licensee about alleged breaches of the Code provisions and outcomes of those complaints.

3ZZZ undertakes it will provide all documents and information requested by the ACMA from time to time for the purpose of assessing compliance with the terms of this Undertaking.

6. **Acknowledgements**

6.1 3ZZZ acknowledges that:

- (a) The ACMA will make this Undertaking publicly available including by publishing it on the ACMA's website.
- (b) The ACMA may, from time to time, make public comment about this Undertaking and its terms which includes issuing a media release upon its execution by the ACMA.
- (c) The ACMA may, from time to time, publicly report on compliance with this Undertaking.
- (d) The ACMA's acceptance of this Undertaking does not affect the ACMA's power to investigate and take compliance and enforcement action arising from conduct that is not the subject of this Undertaking or arising from future conduct.
- (e) This Undertaking in no way derogates from the rights and remedies available to any other person or entity arising from the alleged conduct, the subject of this Undertaking.