



## Defamation

The law relating to defamation is complex. Generally a defamatory statement is one that contains an imputation by which the reputation of a person is likely to be injured, or by which other persons are likely to shun or avoid or ridicule or despise that person. In many situations the fact that the statement is true may not provide a defense. **Presenters are to avoid any statements, which might be considered defamatory.**

Commercial radio stations have access to a team of Lawyers to vet potentially defamatory material before it is *broadcast in* order to walk that fine line between acceptable comment and defamation. **If you wish to broadcast any controversial material where there is a risk of defamation, you should consult a member of the executive of Radio Dungog prior to broadcast.**

*Presenters* should also realise that our insurance policy covers the Company against claims, not the individual *presenter*. A person defamed will usually take action against the station but they normally add the *presenter* as a party to the proceedings. **You could be held personally liable for damages, which in defamation cases are often substantial.** In some cases the insurance company could claim a contribution or indemnity from *the presenter* responsible. In view of the foregoing, **when in doubt, don't say it.**

## Sponsors

As a community radio station Radio Dungog cannot broadcast **advertisements.**

An **Advertisement** can be any material that is intended to promote some item or service. It is not necessary for a broadcaster to have received a payment or other consideration for the broadcast of the material.

**Radio Dungog can broadcast Sponsorship Announcements** to a maximum 5 minutes in any one-hour period commencing on the hour..

**Sponsorship announcements** must contain the word sponsor, e.g. "ABC Company is a Station Sponsor" or "thanks to our sponsor ABC Company

**Presenters** are to ensure that any comments made in their show are not **advertisements.**

Any material broadcast from commercial sources containing advertisements must be tagged to ensure compliance

There is to be no Sponsorship or promotion of cigarettes or tobacco products

All Sponsorship has to be approved by the *Committee* or its delegated person or sub committee.

*Presenters* must not enter into any joint promotions or contra arrangements or involve the station in any outside third party promotions or Giveaways without the approval of the *Committee* or its delegated person or sub committee

*Care must be taken during any interview that a product or service is not promoted as the whole interview is then counted as a sponsorship announcement*

## Copyright

The legal position relating to copyright is complex. Generally if you wish to use the work (e.g. song, music, story etc.) of another, you must have the permission of the author/composer.

Radio Dungog has license agreements with APRA, which allows us to play music on air. The license fee is based on a percentage of our income and we have no say as to how it is *calculated*. Our license does not allow us to make adaptations of works, or to broadcast grand rights works (works longer than 20 minutes), and entire works such as Operas or Musicals.

We also pay a fee to AMCOS for a 'Production Music License', this allows us to use "a production Library" for jingles or Sponsorship announcements etc. The music covered by this license is fairly restricted and does not include the music generally played on air. One example of "production music" would be the News intro. The use of normal musical works as a background for a "live read" Sponsorship announcement is not covered by our license with APRA or AMCOS and should not be used.

Presenters must not broadcast any item such as cartoon themes and TV show themes without the works owners express written permission.

*YouTube is for personal use only and is not to be used under any circumstances*