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The SBS Editorial Guidelines are integral to SBS’s content. They should be read in conjunction with the SBS Codes of Practice. At every point in the production process decisions are made: what to report, produce, commission and acquire. The underlying checks and balances, outlined in these Guidelines, inform sound decision-making: editorial independence, impartiality and responsibility; legal considerations; and potential conflicts of interest. Audience concerns are managed through procedures for responding to general and Code complaints.

These Editorial Guidelines ensure that SBS follows a model of transparency and integrity, upholds its Charter obligations and its obligations under the Special Broadcasting Service Act 1991 (SBS Act), and meets audience expectations.

The Guidelines are intended to provide information and points of reference to help Divisions exercise their professional judgement at crucial junctures in their work process.

One of the fundamental principles is ‘upward referral’. In other words, when in doubt, refer the issue to the next level of authority for guidance.

For any queries regarding the SBS Codes of Practice or these Editorial Guidelines, advice is available from the Corporate Affairs Division.

At all times, the overriding obligation of all program makers and content providers is to safeguard SBS’s editorial integrity and independence.

These Editorial Guidelines apply to SBS content – SBS Television, NITV, SBS Radio, SBS Online and Emerging Platforms (as covered by the SBS Codes of Practice) – as well as SBS’s corporate, commercial and community relationships.

Michael Ebeid
MANAGING DIRECTOR and EDITOR-IN-CHIEF
1.1 Introduction

SBS is subject to the SBS Act which includes the SBS Charter, the general law relating to the media, the Public Governance, Performance and Accountability Act 2013 (as a Commonwealth government authority), and the SBS Codes of Practice.

As part of our compliance with these rules, we must also ensure that SBS’s corporate, commercial and community activities do not compromise SBS’s editorial integrity and independence.

Decision makers in the editorial process who are uncertain about these matters must obtain advice from higher up the editorial chain of responsibility. Individuals involved in content production must familiarise themselves with the SBS Codes of Practice and these Editorial Guidelines.

These Editorial Guidelines may be supplemented with Divisional guidance notes and SBS corporate guidelines where necessary.

Guidance notes and corporate guidelines must be approved by the SBS Executive Committee and have the same status as these Editorial Guidelines.

Division Directors are responsible for ensuring that relevant individuals are provided with relevant guidance notes. Guidance notes and corporate guidelines are to be made available in a central location managed by the Corporate Affairs Division.

1.2 Delegation

The SBS Board is responsible for SBS, but is not involved in day-to-day operations. The Managing Director, who is a Board member and the Editor-in-Chief, is responsible to the Board for managing SBS and for all SBS output. The Managing Director delegates various levels of responsibility to employees.

1.3 Upward referral

Where guidance is required the matter must be referred to the next level of authority. Areas where guidance may be needed could include: content which could potentially breach the SBS Codes of Practice; conflict of interest; or circumstances in which inappropriate pressure related to what is or is not broadcast on SBS is being applied.

Upward referral protects individuals and enables SBS to allocate appropriate resources for dealing with important and sensitive issues.

Individuals who have editorial responsibility are expected to exercise that responsibility on a day-to-day basis. Where individuals presenting, producing, acquiring or commissioning SBS content are in doubt about an editorial question, they must refer it to the next most senior person. If individuals do not refer the matter, they will be held responsible for the decision.

If any editorial matter has the potential to cause controversy or have an out of the ordinary impact it must be upwardly referred to the appropriate senior manager.

1.3.1 Legal advice

Editorial matters which may have legal implications must be referred to the SBS Legal through managers with editorial responsibility (see Guideline 2 – Legal Responsibility).

Where the legal advice is that SBS would be at high risk if particular content was broadcast or published (i.e. there is a low prospect of successfully defending subsequent legal action), regardless of other considerations the material should not go to air until the matter has been upwardly referred to at least the relevant Division Director or their delegate.

Other matters which have legal implications should be checked with SBS Legal to ensure that there are no legal restrictions, for example, reusing or reversioning material (copyright) (see Guideline 2 – Legal Responsibility).

1.4 Management and employee responsibility

Management is responsible for ensuring that:

- delegations are appropriate;
- there are procedures to deal quickly and efficiently with editorial matters;
- employees are made aware of the SBS Codes of Practice, the SBS Editorial Guidelines, the SBS Accounting Manual and other editorial procedures that apply to them;
- editorial procedures are publicised within the workplace; and
- any changes to procedures and delegations are quickly and clearly communicated to employees.

Managers are responsible for requesting SBS Codes of Practice and SBS Editorial Guidelines training for their staff, as required, from the Corporate Affairs Division.
Employees are responsible for ensuring that they understand the editorial procedures and for seeking clarification from their manager as necessary.

1.5 Managing audience expectations
When scheduling content SBS will take context into account and manage content appropriately. Depending on context, consideration may also be given to adding support information to content which deals with issues that could affect those watching (e.g. helplines).

1.6 Editorial issues in SBS Radio
1.6.1 Introduction
This Guideline applies to the production of content for SBS Radio.

SBS Radio content producers have a responsibility to be sensitive to the wishes and needs of all sections of the communities which make up their potential audiences. In doing so, they should reflect their community or communities’ role in Australia’s multicultural society, and draw from their diverse range of community perspectives.

1.6.2 Controversial issues
At times, SBS Radio language programs will cover controversial issues which have the potential to create tensions within the community. The SBS Codes of Practice and the following associated principles must be followed by SBS Radio content producers:

- Balance and objectivity are essential.
- Every effort must be made to present differing sides of an issue in a fair and balanced manner and to ensure balance is achieved where possible within the same program and certainly over a reasonable time. This should also include views from other communities where relevant.
- It may be that the overwhelming majority of a target audience for a particular language program has a strong view on a controversial issue. Content producers still have an obligation to make a balanced presentation.
- Information must be truthful and not distorted to justify any particular position. It must reflect equitably the relevant facts and significant points of view, and deal fairly and ethically with all parties concerned.
- Content producers must be aware of potential conflicts of interest and not present a personal bias or partisan approach (refer to Guideline 4 – Conflicts of interest).
- Content producers must ensure that their programs do not become, or are not used by individuals or organisations as vehicles for inflaming community tensions.

1.6.3 Right of reply
In some cases it may be appropriate for SBS Radio to provide a right of reply (e.g. where an individual or group has been directly criticised). Where content producers intend to decline such a request, the matter should be first referred up, in line with normal practices of editorial responsibility. The content of any reply is the prerogative of SBS Radio.

1.6.4 Coverage of international and community conflicts
Coverage of conflicts involving the home territories of different sections of SBS’s audiences and communities in Australia has the potential to create tension. SBS Radio has a responsibility to cover such conflicts. To reduce the potential for arousing community tension, SBS Radio content producers will:

- anticipate, if possible, potential problem areas;
- apply the resources of SBS's News and Current Affairs Division to ensure that the issues and events are dealt with comprehensively and in line with SBS programming policies and practices; and
- take particular care in selecting material drawn from home territory and domestic sources in and around the areas of conflict especially if unverified, and refer upwards if necessary.

1.6.5 Rallies
SBS may cover public rallies as news stories and facilitate discussion of the central issues. Such rallies must not be promoted or reported as a call to action (i.e. encourage attendance, convey support, give attention to or give details of the event beyond its newsworthiness). News stories may contain details of rallies but they must not convey that SBS supports or opposes the rallies.
1.6.6 Use of non-SBS sources
In providing audiences with information about world events, SBS Radio relies on a range of sources, including:

- the SBS newsroom;
- major international news agencies;
- national news services;
- news bulletins and current affairs programs provided by overseas broadcasters;
- newspapers and journals published overseas and in Australia;
- online sources;
- automated newsfeeds; and
- stringers and other contacts.

SBS Radio content producers are expected to use their contacts, knowledge and expertise to check sources for accuracy and reliability. Content producers are expected to draw on their specialised knowledge of home territory affairs to judge the news value and reliability of stories from non-SBS sources. Content producers are obliged to assess news items objectively, from whatever source.

Material from other media outlets or publications should be attributed to the relevant source/s. Attributing a story to another source does not relieve content producers of responsibility to use their special knowledge and good judgement in assessing the accuracy and fairness of a story.

Attribution to another news service is not needed when SBS Radio can source a fact or statement directly to a named organisation or to an identified person such as an official or politician. This applies when using grabs from statements, speeches and press conferences, provided that only the words of the subject are used and not those of a reporter or interviewer.

Where content producers are unsure about whether or not they have the right to use any non-SBS material, they should seek advice from SBS Legal.

1.6.7 Talkback
Talkback programs on SBS Radio provide a forum for the exchange of community opinion and offer unique opportunities for people from culturally and linguistically diverse backgrounds to:

- express themselves on air in their preferred languages;
- seek clarification about accessing government and other services; and
- question experts.

In choosing studio guests for talkback programs, content producers should ensure they comply with procedures on the presentation of controversial issues including Guideline 1.6.2 (Controversial issues), Guideline 4 (Conflicts of interest), and Guideline 5 (Commercial and external funding relationships).

1.6.8 Religion
SBS Radio must cover religious issues in accordance with Code 1.6 (Religions) of the SBS Codes of Practice. SBS Radio must be, and must be seen to be, impartial in its treatment of the many religions which are practised in Australia. Most programs serve audiences comprising followers of several religious faiths and it may be appropriate for those religions to receive more attention in those programs than other religious denominations.

SBS is a national broadcaster and its content must have an identity which is independent of any particular religion or religions. For this reason, SBS Radio will normally treat religion in the same way as other aspects of society. Particular care must be taken when:

- selecting representatives of religious faiths for interview;
- providing airtime for religious faiths; and
- broadcasting or publishing religious services.

SBS Radio will not broadcast or publish religious services, sermons or pronouncements unless there are exceptional circumstances which may make the service particularly newsworthy. Any proposals must be approved by the Director Audio and Language Content on a case-by-case basis. The Director Audio and Language Content must be satisfied that:

- there is a clearly demonstrated and overwhelming need for the content;
- listeners who may practice other religions are catered for appropriately and not disadvantaged by the broadcast of the service, sermon or pronouncement;
• there are no other ways in which listeners can adequately access services of that faith; and
• there is no likelihood that the service, sermon or pronouncement will denigrate another religion.

1.7 Editorial issues for digital media services

1.7.1 Introduction
In addition to the SBS Codes of Practice there are some issues of particular relevance to content published on SBS’s digital platforms that require additional guidelines.

1.7.2 Harm and offence considerations
Content producers should refer to the SBS Online – Classification Guidance Notes regarding material which could be potentially disturbing to some audiences and if necessary should upwardly refer to the SBS Classification Manager for further advice.

1.7.3 Links to websites outside SBS
All links on the SBS website must be editorially justifiable. Before linking to a website, content producers must check the content of the site.

When SBS covers a sensitive or controversial matter, context is important in deciding whether a link is appropriate. It is often useful to explain why SBS is offering the link. In some cases, SBS may offer a link to a site that does not share SBS’s editorial values. SBS should be seen to be impartial.

1.7.4 User-generated content
SBS hosts user-generated content (UGC) on digital platforms. SBS encourages UGC which reflects a diversity of experiences, beliefs, cultures and languages.

SBS’s policy for UGC is set out in the SBS Website User-Generated Content Guidelines. These apply to:
• UGC hosted on the SBS website; and
• UGC on SBS branded properties on third party social media sites to the extent that SBS has control over it (under the third party platform terms and conditions).

The Guidelines contain information on:
• SBS’s moderation policies;
• strategies for dealing with non-compliant UGC;
• political and controversial content;
• accuracy and corrections;
• commercial references;
• children and young people;
• warnings;
• complaints.
2.1 Introduction
SBS, like all media organisations, is subject to many different laws when newsgathering, recording, and publishing content. Key areas of law include:

- defamation;
- contempt of court;
- reporting restrictions (including family law, children and criminal cases, and sexual assault);
- secret recordings;
- privacy;
- discrimination and racial vilification; and
- copyright.

SBS must also maintain its independence and integrity, in accordance with the SBS Act. In reporting on some stories, a degree of legal risk is inevitable. When a legal issue is detected, it is important to seek legal advice, make considered decisions, and upwardly refer any decision to take on legal risk in accordance with these Editorial Guidelines.

2.2 Training and information
SBS Legal provides regular training on all relevant issues affecting media content. Legal training can be arranged if a specific need is identified in the workplace. Divisions should make arrangements with SBS Legal to ensure that all employees are properly informed.

Legal resources are available on the SBS Intranet, including the SBS Legal Handbook and checklists. Information is available from SBS Legal on request.

2.3 Seeking advice
Editorial material that has legal implications must be referred to the SBS Legal. Advice can be sought at any stage of research or production, including:

- whether the proposed method of recording the story is legal (e.g. secret recording, privacy); or
- whether recorded material is legally safe to publish.

SBS Legal is available around the clock, seven days a week and is able to obtain outside legal advice as required.

2.4 Upward referral
Where SBS Legal advises that SBS would be at high legal risk if particular material were published or recorded (i.e. there is a low prospect of successfully defending subsequent legal action), regardless of other considerations the material should not be published until the matter has been upwardly referred to the Division Director and where appropriate the Managing Director.

The final decision on whether to record or publish the material, or in what manner, is an editorial decision and not a legal decision. This decision must balance editorial requirements under the Charter with legal risks. However, as the cost of legal action and damages can be high and adverse legal findings and settlements have the potential to damage SBS’s reputation as a trusted publisher, decisions to record or publish legally contentious material must be made on proper consideration of legal advice.
3.1 Corporate Affairs

The Corporate Affairs Division provides advice on the application and interpretation of the SBS Codes of Practice and these Editorial Guidelines to inform editorial and business decision-making processes across SBS.

The responsibilities of the Division include:

- developing the Codes of Practice and Editorial Guidelines together with Divisional guidance notes and SBS corporate guidelines;
- advising all Divisions on the interpretation of the Codes of Practice and Editorial Guidelines and their application to content for broadcast or publication;
- advising on commercial matters including the application of the Codes of Practice and Editorial Guidelines to advertising and sponsorship material;
- responding to internal and external enquiries about SBS policies and their interpretation;
- providing training on the Codes of Practice and Editorial Guidelines to SBS employees on request from Division Directors.

Advice on Codes and Guidelines matters is available from the Codes and Guidelines team within the Corporate Affairs Division, at all stages of the production process.

Where the advice is that SBS’s editorial integrity or independence is at risk, the matter must be upwardly referred as set out in these Guidelines to the Division Director and where appropriate, the Managing Director.

The final decision on any editorial or business matter rests with the relevant Division Director or with the Managing Director, but must be made on proper consideration of Codes and Guidelines advice.

3.2 Legal advice

SBS Legal provides advice about content that raises legal issues. See Guideline 2 (Legal responsibility) for information on legal responsibility.
4 CONFLICTS OF INTEREST

4.1 Introduction
SBS’s audience must be able to trust the integrity and independence of SBS’s content and be confident that editorial decisions are not influenced by external political, sectional, commercial, financial or personal interests.

Conflicts of interest, whether actual, potential or perceived, can undermine SBS’s reputation and its capacity to provide an impartial and independent voice in the Australian media.

A conflict of interest which is ignored or not properly managed can also compromise the reputation of the individual involved in the conflict.

4.2 Definition and situations
This Guideline covers conflicts of interest which may arise in relation to editorial decisions.

An editorial conflict of interest may arise where:

- a person who has input into content, or the ability to influence content,
- has a direct or indirect involvement or interest in an organisation or individual,
- from whom they could receive personal reward, remuneration or any other type of advantage, which could compromise or be seen to compromise the editorial independence and integrity of SBS.

Potential editorial conflicts of interest situations may include:

- outside employment or performing work for an outside organisation, particularly when it is in a field related to SBS content;
- the use of family or friends in programs, especially when they are paid;
- promoting personal interests or the interests of family or friends;
- having a direct or indirect financial interest in an organisation that is the subject of, or may be affected by, SBS content (see 4.5);
- holding a company or other directorship; or
- involvement with political parties, community or advocacy groups.

This is not an exhaustive list, and in many cases only the individual concerned will be aware of their external relationships, activities or interests which may create an actual, potential or perceived editorial conflict of interest.

4.3 Application of this Guideline
Guidelines 4.4, 4.5 and 4.6 apply to employees and other individuals engaged by SBS to make content or have input into editorial decisions. This includes freelance journalists, presenters, stringers and contributors contracted by SBS.

Different requirements apply to independent producers, who are commissioned to provide a program or series to SBS and with whom SBS deals with at arm’s length – see 4.7.

Potential conflicts of interest situations can also arise for anyone involved in non-editorial activities, such as commercial activities – see Guideline 5.5.5 (Advertising and sponsorship – Conflicts of interest and disclosure).

All employees are also expected to observe the SBS Code of Conduct and Section 25 of the SBS Accounting Manual which set out SBS’s corporate standards in relation to conflicts of interest generally.

4.4 Referral responsibilities
Those involved in the production of SBS content or who have input into editorial decisions should carefully examine their relationships with organisations and individuals and notify the relevant editorial manager in writing of any potential conflicts of interest (with referral as necessary to the Cost Centre Manager or Division Director) for a decision about appropriate management of the conflict.

Anyone who is unsure about whether a conflict of interest exists, or could be perceived to exist, must seek advice from their editorial manager who will consider the matter on a case-by-case basis (with referral as necessary to the Cost Centre Manager or Division Director) for a decision as to whether it should be treated as a conflict of interest.

The requirements set out in the SBS Code of Conduct and Section 25 of the SBS Accounting Manual should be observed.

4.5 Financial interests
Individuals who have a financial interest that may give rise to an actual, potential or perceived editorial conflict of interest must also, where relevant, disclose that interest to the person with editorial control of the relevant content. This should be done in a timely manner.

Where approval is given to present or report on a subject in which a person has a financial interest,
that interest should be declared on air (normally in
the end credits for a television program, a post-story
announcement for a radio program, and a postscript
for online material).

Where the person with editorial control has an actual,
potential or perceived financial conflict of interest,
the matter must be upwardly referred (see Guideline
1.3 – Upward referral). It is the responsibility of the
person to whom the matter is upwardly referred to
determine appropriate action, which may include on
air disclosure. In some circumstances, upward referral
to the Division Director may be required to decide the
course of action.

4.6 Community interests

Content producers who have links with the
communities they serve may, as a result, often identify
more easily with some sections of their audiences than
others. They must not be seen to represent any group
or political party, or a political viewpoint.

Content producers are responsible for ensuring that
any affiliations or personal views remain separate
from their obligation to observe and advance the
programming policies and practices of SBS. Further,
this separation must be reflected in the content of
programs.

4.7 Independent producers

To ensure that conflicts of interest do not impact
on the integrity and independence of SBS content,
SBS expects independent producers to disclose any
relevant interests that may impact on the integrity of
the content produced for SBS. Disclosure should be
in writing and be made to the commissioning editor or
editorial decision maker.

Following disclosure, and where relevant, SBS will
determine how the conflict should be managed as
appropriate.
5 COMMERCIAL AND EXTERNAL FUNDING RELATIONSHIPS

5.1 Introduction
SBS is hybrid-funded. Funds are received primarily by government appropriations and SBS can supplement its revenue through a range of commercial and external funding and assistance initiatives. This includes advertising, sponsorship, and third party funding.

Commercial relationships must be conducted in accordance with the principles of the SBS Charter and the SBS Act. In particular, SBS must maintain its editorial independence and integrity.

For clarification, unless otherwise indicated ‘SBS content’ means content for broadcast or publication on SBS’s television, radio and digital media services over which SBS has editorial control.

5.2 Maintaining SBS’s editorial independence and integrity
The following core principles apply to all of SBS’s commercial and other external relationships in respect of SBS content:
• SBS’s editorial independence and integrity must be safeguarded;
• commercial activities must not be in actual or apparent conflict with the SBS Charter and must not detract from SBS fulfilling its Charter responsibilities;
• SBS must retain editorial control of all SBS content and the SBS schedule;
• the broadcasting and publishing of content is SBS’s prerogative and not the prerogative of any third party, regardless of how SBS sources that content; and
• SBS must be transparent about all of its commercial relationships through disclosure in credits where relevant.

Additional principles also apply to particular relationships and activities as set out in the relevant sections of this Guideline 5.

SBS content decisions will always be driven by its editorial strategy not the availability of external funds or other commercial opportunities.

The areas where commercial and other external activities have the greatest potential to threaten editorial independence and integrity are:
• news and current affairs content; and
• documentary and factual content.

There is more flexibility in other content strands. Sports coverage, for example, can attract valuable commercial revenue with minimal risk to editorial independence and integrity.

5.3 Upward referral
When there is reasonable doubt as to whether a particular commercial or external relationship may compromise the principles in this Guideline 5, the matter must be upwardly referred in accordance with Guideline 1.3 (Upward referral). Mandatory referral processes apply in certain circumstances as set out in this Guideline 5.

It may be necessary to seek advice from the SBS Legal or the Corporate Affairs Division (see Guidelines 2 and 3). Where the advice is that SBS would be at significant risk of compromising any of these principles, the final decision on the matter should be made by the Managing Director.

5.4 SBS content
5.4.1 Introduction
SBS sources content in the following ways:
• SBS produces content, either in-house or with the support of contracted production services;
• SBS commissions Australian production companies (independent of SBS) to produce content, including co-productions;
• SBS co-produces content in partnership with Australian production companies;
• SBS acquires content (at various stages of production) from a variety of Australian and international sources including commercial, government and non-profit organisations (this includes free or discounted content).

5.4.2 Funding arrangements
SBS uses a range of sources to fund SBS content.
5.4.2.1 SBS funding
SBS makes a direct investment in content (including in the form of licence and production fees) from its own funds. These funds comprise:
- money received by SBS in its appropriation from the federal government; and
- money generated by SBS from commercial activities including the sale of advertising and sponsorship, and the sale of content in which SBS has a commercial interest.

5.4.2.2 Government film and screen agencies and other financing mechanisms
SBS is able to enter into relationships with the various state and federal government film and screen agencies (including indirect tax funding mechanisms such as the Producer Offset scheme) in relation to co-financing Australian content.
SBS and its co-producers may also access funds through indirect financing mechanisms including:
- funds sourced under an official co-production treaty arrangement;
- distributors and sales agents making advances against the commercial potential of the content.
The rules governing third party funding generally do not apply to these relationships.

5.4.2.3 Third party funding
Subject to Guideline 5.4.4, SBS and independent producers can accept funding from third party sources for the production of content, including:
- federal, state and territory government departments, agencies and authorities;
- private contributions from commercial, community, non-profit and philanthropic organisations, crowd-sourced funding entities and private investors.
Third party funding is generally treated differently to advertising and sponsorship revenue (see 5.4.2.1). However where there is a proposal for advertising or sponsorship revenue to be directly linked to the overall SBS investment in content (for example where a proposed sponsorship contribution will defray actual production costs), the rules on managing third party funding apply (see 5.4.4).

5.4.3 Disclosure and scrutiny of funding arrangements
SBS requires strict scrutiny of the arrangements which underpin all external funding to ensure that SBS’s editorial independence and integrity are not compromised.
Independent producers are contractually required to disclose all funding arrangements to SBS.
Independent producers who are considering sourcing funds from third party sources should consult with SBS prior to seeking funds.

5.4.4 Managing third party funding
SBS can accept or reject third party funding at its discretion.
All proposals for the use of third party funding for the production of SBS content, by SBS or independent producers, must be approved on a case-by-case basis by the relevant Division Director and upwardly referred as necessary.
Third party funding cannot be used where the arrangement would undermine the editorial independence and integrity of SBS.
Factors to take into account include:
- the objectives and reputation of the funder;
- the nature of the funder’s interest in the content;
- SBS’s Charter and editorial strategy and, if financially able, whether SBS would have considered producing or commissioning the content without the funding; and
- the subject matter of the content, and its genre.
Third party funding cannot be used:
- for the production of SBS-produced news and current affairs content;
- where the funder is seeking to have input into the content in a way that affects SBS’s editorial independence and the integrity of the content.
The funding arrangement must be in a written contract which states that SBS retains editorial control over the content.
5.4.5 Acquiring rights to content

5.4.5.1 Introduction
SBS acquires rights to content from a variety of Australian and international sources including commercial, government and non-profit entities. Whether content is suitable for SBS is determined by its subject matter, not its source. SBS must always retain the right to edit acquired content to meet editorial requirements under the SBS Act, the SBS Codes of Practice and these Editorial Guidelines.

5.4.5.2 Purchasing arrangements
When acquiring rights to content and licensing rights, SBS is not restricted to payment by money, and can accept free or discounted content. Contra deals are acceptable provided they do not compromise SBS’s editorial independence and integrity. Contra deals should be considered on a case-by-case basis.

Exchange of airtime or online space for content
As a rule, SBS does not exchange airtime or online space for content (for example, in lieu of rights fees). Any proposal for such an arrangement needs the approval of the relevant Division Director/s who must ensure the arrangement does not undermine SBS’s editorial independence and integrity. Contra deals should be considered on a case-by-case basis.

5.4.5.3 Programs funded by third parties
SBS may acquire rights to content which is partly or wholly funded by commercial, government or other entities, such as non-profit organisations. When acquiring rights to content, SBS must reserve the right to review all funding sources. If there appears to be a strong link between the content and the funder/s, or there are conditions attached, the proposal must be upwardly referred to the relevant Division Director. If the acquisition proceeds, SBS should provide clear information to audiences about the source and funding of the program. In most cases this will be satisfied by the program credits.

5.5 Advertising and sponsorship

5.5.1 Introduction
Under the SBS Act, SBS can generate revenue through the sale of advertising and sponsorship. The SBS Act sets out conditions under which SBS can broadcast or publish advertisements and sponsorship announcements. SBS’s advertising and sponsorship guidelines are set out in this Guideline 5 and the SBS Codes of Practice (Code 5 – Advertising and sponsorship).

5.5.2 Maintaining SBS’s independence and integrity
SBS reserves the exclusive right to determine what is broadcast or published on SBS services and may reject any advertisement or sponsorship (see Code 5).

5.5.2.1 Acceptance or rejection of advertisements or sponsorships
In principle, SBS accepts all advertisements that comply with the relevant legal and regulatory requirements, with limited exceptions. For television commercials, advertisements issued with a CAD Number will generally satisfy this standard (see 5.5.8.1). SBS may decide to accept or reject any advertisement or sponsorship on the following grounds:

- where the decision to accept or reject the advertisement will compromise SBS’s independence and integrity;
- where the subject matter conflicts with the SBS Charter or SBS’s programming policies as set out in the SBS Codes of Practice;
- where the decision to accept or reject the advertisement will harm SBS’s interests;
- where the advertisement does not comply with this Guideline 5.5.

Decisions under this Guideline 5.5.2.1 must be upwardly referred.

5.5.2.2 Election advertising during election periods
During an election period for an election:

- SBS must not refuse to run an advertisement for a political party which contains election matter; and
- SBS must treat all political parties equally.
Special conditions apply to the broadcasting or publishing of advertisements containing election matter in SBS news programs on SBS’s broadcasting services, and on news properties on the SBS website:

- Where any political party or cause-related (election matter) advertiser seeks to buy more than 50 per cent of the available inventory* the matter must be referred to the Director SBS Media and Director Corporate Affairs for final approval.
- **TV / Radio**: Political advertisements must not directly follow/precede a news item and must be preceded/finished by a stinger or other bumper.
- **Online**: Political advertisements must be clearly marked as ‘advertisement’.

* 50% of the available inventory means 50% of the total advertising space for each program/bulletin.

5.5.3 Revenue allocation
Generally, advertising and sponsorship revenue will augment SBS’s total budget and will not be paid directly to the content connected to the revenue. In those cases where there is a proposal for advertising or sponsorship revenue to be directly linked to SBS’s investment in content (for example where a proposed sponsorship will defray the actual production costs) the rules governing third party funding apply (see 5.4.4).

5.5.4 SBS Media (Advertising Sales) and contractual arrangements
The SBS Advertising Sales team or their delegates are solely responsible for advertising and sponsorship sales. Any financial transactions which may directly or indirectly involve advertising and sponsorship must be handled by the SBS Advertising Sales team.

Where SBS contracts a third party to be responsible for the sale, broadcast or publishing of advertising on SBS’s services, the contractual arrangements should normally include a requirement to comply with these Editorial Guidelines.

As a rule, SBS requires payment for advertising and sponsorship arrangements in cash, not contra. Proposals to exchange commercial airtime or online advertising space for content must be upwardly referred to the relevant Division Director/s.

5.5.5 Conflicts of interest and disclosure
SBS employees, contractors and other representatives may not make personal gain (other than their normal salary or fee entitlements) for themselves or any member of their family or any other associate from SBS’s advertising and sponsorship deals.

An exception applies when employees are engaged for translation, voice production and other services for advertisements or sponsorship announcements as arranged by the SBS Advertising Sales team or SBS Marketing (for example SBS Radio presenters, see 5.5.6). The employee to receive the payment cannot initiate the work.

See also Editorial Guideline 4 (Conflicts of interest), the SBS Code of Conduct and the SBS Accounting Manual (Section 25).

SBS employees directly involved in advertising and sponsorship must disclose any interests they or any member of their family have in the supply of any goods or services advertised on SBS, or any other potential conflicts of interest.

5.5.6 Presenters featured in advertisements and sponsorship announcements
Advertisements and sponsorship announcements which feature SBS presenters have the potential to undermine SBS’s editorial independence and integrity. The SBS On Air Presenter Protocol should be referred to for guidance on managing the commercial and promotional activities of SBS presenters.

**SBS News and Current Affairs**
SBS News and Current Affairs presenters and journalists will not be excluded from participating in advertising, charity or issues-based campaigns in a private capacity, but such participation requires the written approval of the Director News and Current Affairs.

If presenters and journalists wish to appear as SBS representatives in charity or issues-based campaigns the written approval of the Director News and Current Affairs is required. The Director News and Current Affairs will consult first with the Director Marketing.

**SBS Radio**
SBS Radio employees may be engaged for the production of in-language advertisements and sponsorship announcements as arranged by SBS.
Where feasible and cost-efficient, and dependent upon client agreement, SBS advertisements and sponsorship announcements will be produced by the SBS Advertising Sales team. No SBS Radio employee will be compelled or pressured to participate in the development or production of advertisements or sponsorship announcements (this does not include promotions for SBS services).

**SBS Television**

The SBS Advertising Sales team must obtain the approval of the relevant Division Director or executive producer before engaging presenters for the production of advertisements or sponsorship announcements.

The SBS Advertising Sales team must not schedule an advertisement or sponsorship announcement featuring a presenter around the content in which the presenter appears without first obtaining approval from the relevant Division Director. If the scheduling of the advertisement or sponsorship announcement is approved it must not be run true first or last in an advertising break within the relevant content.

**5.5.7 Sponsorship**

SBS allows other organisations to sponsor SBS content. Sponsorship is a form of advertising which creates an association between the content and the sponsor (for example, through category exclusivity). Sponsorship is not the same as third party funding (see 5.4.2.3). Sponsorship is accepted only after a decision has been made to commission, acquire or produce content.

Where there is a proposal for sponsorship revenue to be directly linked to the overall SBS investment in particular content, the rules governing managing third party funding also apply (see Guideline 5.4.4 – Managing third party funding).

Sponsors may be identified through sponsorship announcements and in promotions for SBS content (see Code 5 – Advertising and sponsorship, SBS Codes of Practice).

SBS also allows corporate sponsorship in which organisations have their names associated with SBS as a corporation (see Guidelines 5.7 and 5.8).

**5.5.7.1 Naming rights**

 Naming rights to SBS content may be made available as part of a sponsorship. Naming rights activations must be approved on a case-by-case basis by the relevant Division Director. The rules governing third party funding apply (see Guideline 5.4.4 – Managing third party funding).

**5.5.7.2 Sponsorship considerations**

SBS Advertising Sales must consult with the relevant content manager (such as the commissioning editor) on all sponsorship proposals which have the capacity to compromise SBS’s editorial independence and integrity.

Where the sponsorship arrangement would lead to the perception that the sponsor has influenced the content the proposal must be rejected. This is a matter for consideration on a case-by-case basis taking into account the subject matter of the content and its genre, and the nature of the sponsor’s interest in the content.

 Generally, sponsorship of SBS-produced and -commissioned news and current affairs content is not permitted. However SBS allows sponsorship of some distinct segments of SBS news properties (see SBS Guidelines for the Sponsorship of SBS News Properties under which the Weather, Finance and Sports segments may be sponsored).

Note: Sponsorship is not the same as third party funding. Sponsorship revenue cannot be used to directly fund SBS-produced and -commissioned news and current affairs content (see Guideline 5.4.4 – Managing third party funding).

See also Guideline 5.5.2.1 – Acceptance or rejection of advertisements or sponsorships.

**5.5.8 Advertising and sponsorship announcement standards**

**5.5.8.1 Advertising standards**

The advertising industry operates under a system of self-regulation administered by the Advertising Standards Bureau. The onus is on advertisers or their agents (which may include SBS) to ensure that advertisements comply with relevant laws and other regulatory requirements, including industry codes of practice (such as the Australian Association of National Advertisers (AANA) Code of Ethics).

All advertisements and sponsorship announcements broadcast or published by SBS must comply with the relevant legal (federal and state and territory) and regulatory requirements. SBS-produced advertisements must be cleared by SBS Legal.
**SBS Television**

SBS will generally not broadcast advertisements on its television services that do not fulfil the requirements for the issuing of a Classification Number (CAD Number) by Free TV Australia’s Commercials Advice (CAD) service. This ensures that advertisements are classified for broadcast.

Proposed exceptions to this requirement must be considered on a case-by-case basis, taking into account the need to ensure that advertisements comply with the law and that all relevant information is conveyed to audiences in accordance with industry standards.

The commercial television industry has adopted an industry standard on the loudness of advertisements. Advertisers who apply for a CAD Number are required to declare that advertisements comply with this standard. Advertisements broadcast on SBS should meet this standard.

The Commercial Television Industry Code of Practice prohibits the use of any technique which attempts to convey information to the viewer by transmitting messages below or near the threshold of normal awareness (subliminal techniques). Advertisements broadcast on SBS should meet this standard.

**5.5.8.2 Technical and quality standards**

SBS retains the right to refuse to broadcast or publish any advertisement or sponsorship announcement which fails to meet its quality control standards.

**5.5.8.3 Amount and duration of advertisements**

The SBS Act provides that advertisements and sponsorship announcements must not run in total for more than five minutes in any hour of broadcasting on SBS’s television and radio services. Certain material does not count toward the five minute limit, as set out in Code 5 (Advertising and sponsorship) of the SBS Codes of Practice. This includes publicity for SBS products, services and activities (see Guideline 5.6 – Promotion of SBS’s activities) and community service announcements such as SBS Foundation partner announcements (see Guideline 6 – Community information).

SBS’s policy on the duration of advertisements and sponsorship announcements in video content on its digital media services, including SBS On Demand, is set out in the SBS Online Video Advertising Policy.

**5.5.8.4 Distinction from editorial content**

Advertisements and sponsorship announcements must be readily distinguishable from SBS content (see Code 5 – Advertising and sponsorship, SBS Codes of Practice).

**SBS Television**

Advertisements on SBS Television should be distinguished from editorial content through the use of program bumpers, service idents or other visual cues.

**SBS Radio**

Advertisements and sponsorship announcements on SBS Radio must be clearly identified as such by acoustic or vocal means to separate them from editorial content.

**SBS Online**

Advertising and sponsorship content must maintain a structural separation from SBS content. Advertisements and sponsorship announcements should be clearly labelled as ‘Advertisement’ or ‘Sponsorship announcement’ or ‘Advertorial’ and distinguished through the use of clear visual boundaries (such as distinct borders). When linking to an advertiser’s website, the advertiser’s content must appear in a separate browser window.

**5.5.8.5 Placement of advertisements and sponsorship announcements on SBS Television and SBS Radio services**

SBS follows the provisions in Section 6: Advertising restrictions of the Commercial Television Industry Code of Practice (2015), where it relates to commercials (see Code 5 – Advertising and sponsorship, SBS Codes of Practice). This requires television advertisements to be classified and broadcast at appropriate times.
The SBS Act provides that SBS may broadcast advertisements and sponsorship announcements before or after programs or during natural program breaks on SBS’s television and radio services. Decisions about the placement of advertisements and sponsorship announcements in program breaks will be considered on a case-by-case basis and will have regard to program content and context. SBS will exercise sensitivity in the placement of advertisements and sponsorship announcements.

Placement of breaks in SBS Radio programs
Natural program breaks in radio programs are defined as occurring between discrete units of programming containing matter of a similar nature (e.g. a news bulletin, a feature or a talkback session).

Placement of breaks in SBS Television programs
SBS will assess programs to determine if and where there are natural breaks in programs. SBS must ensure that the integrity of the program is not prejudiced, having regard to the nature and duration of the program, and where natural breaks occur. SBS will then decide which of these natural breaks will be used to carry advertising and sponsorship announcements based on the five minute per hour limit and other considerations, set out in this Guideline 5. Editorial considerations and the interests of viewer experience will be taken into account when considering the placement of breaks within programs.

5.6 Promotion of SBS’s activities
The SBS Act allows SBS to promote its services, including broadcasting and publishing announcements on its television, radio and digital media services publicising SBS programs and promoting its products, services and activities (SBS promotions). This includes, but is not limited to, promotions for products, services and activities displaying the SBS name or logo (logo-licensed). It also includes products, services and activities related to programs that appear on SBS. References to distributors of these products, services and activities are permitted. Promotions for these types of products, services and activities do not fall within the five minutes of commercial airtime allowable per broadcast hour provided SBS is not paid in cash or in kind for the promotional airtime (see Code 5 – Advertising and sponsorship, SBS Codes of Practice).

SBS promotions for these types of products, services and activities may be run before or after programs and in natural program breaks, and during credits where appropriate.

SBS promotions must comply with this Guideline 5.

5.7 Value of SBS’s intellectual property and reputation
SBS’s logos and registered trademarks are valuable assets that SBS actively manages and protects. Any use of SBS’s logo or registered trademarks that has not been expressly authorised by SBS through a licence agreement is an infringement of SBS’s rights and is prohibited by law.

The licensing of SBS’s logos or registered trademarks to third parties indicates that they are endorsed by SBS, and therefore their use must be strictly controlled. Any use of SBS’s logos or registered trademarks must not undermine SBS’s independence or integrity or adversely affect its reputation as a quality broadcaster and publisher and good corporate citizen.

In permitting the use of any SBS logo by third parties any benefits to SBS must be taken into consideration. Use of the SBS logo and trademarks must be approved by the relevant Division Director (or delegate) as appropriate (for example, if the use is for marketing purposes, the Director Marketing will approve). Approvals to use the SBS logo or trademarks must be agreed in writing between SBS and the third party, the aim of which is to protect SBS’s reputation and intellectual property. The agreement must include:

• appropriate quality control by SBS over the licensed goods and services;
• appropriate editorial control by SBS in respect of content, including publicity materials and packaging;
• a requirement that the licensee must do all things required by SBS, including adherence to the SBS style guides, to ensure the integrity of SBS’s logos and trademarks; and
• a requirement that use of any SBS logo or trademark in the licensee’s own advertising may only occur with the prior written approval of the Director Marketing or their delegate.

For further guidance contact the Marketing Division.
5.8 Non-broadcasting/digital media activities
SBS's obligation to maintain its independence and integrity applies to non-broadcasting/digital media activities – including outside broadcasts, community events, performances, staged events, marketing, distribution and publishing activities – as well as to its broadcasting and digital media activities.

There is greater flexibility with non-broadcast/digital media activities because some of the specific requirements in respect of SBS’s broadcasting and digital media activities in the SBS Act do not apply. But any practices which undermine the editorial independence and integrity of SBS are unacceptable.

Proposals for use of SBS's logos or trademarks for non-broadcasting/digital media activities must be referred to the Director Marketing (see also Guideline 5.7).

See also Guideline 6 – Community Information.

5.9 External assistance: opportunities, limitations and acknowledgements

5.9.1 Use of products, services and facilities in content production
SBS employees and individuals involved in content production may accept (for payment or otherwise), on behalf of SBS and not for private use, offers from commercial, government and non-profit organisations of products, services and facilities for use in content productions providing:

- there is sufficient editorial justification for the use;
- the use of the products, services or facilities is disclosed to the relevant SBS content manager;
- where significant assistance is provided, the relevant Division Director has given prior approval;
- the way in which such products, services or facilities are used is approved by SBS;
- the products, services or facilities are not used in the content in a way which actively promotes them; and
- where assistance is provided, that assistance is disclosed or acknowledged so that the level of assistance is apparent to audiences (see 5.9.2).

Section 44(3) of the SBS Act precludes the acceptance of any service, facility, gift, devise or bequest which is likely to compromise the editorial independence and integrity of SBS.

For the avoidance of doubt, where payment is received for the use of products, services or facilities in a content production, the rules on managing third party funding apply (see 5.4.4).

5.9.2 Credits
Credits:
- provide an opportunity for SBS to show its appreciation for external assistance; and
- make clear to audiences, where relevant, that external assistance has been provided.

The way in which SBS presents credits is solely at the discretion of SBS.

Credits will acknowledge support for content by reference to the relevant organisation's name and other details as determined by SBS. Credits must not promote or endorse the organisation.

5.10 Competitions and giveaways
SBS can conduct joint on air or online competitions or giveaways with external organisations to offer free (or token-priced) prizes to SBS audiences.

Giveaways and competitions may not be run during the broadcast of news and current affairs programs.

Information on the source and nature of the prize can be provided to audiences or users as part of the competition's or giveaway's details. This is to be determined at SBS's discretion.

Endorsement of the donor’s product or service within SBS content is not acceptable.

Endorsement includes comparisons between products, services and activities and recommendations. In the course of running a competition with prizes or giveaways, some limited, positive description of the prizes may be used to inform audiences about the competition or giveaway. However, this should not be seen as active encouragement of audiences to otherwise purchase or seek out the products or services that constitute the prize.

The relevant Division Director/s must approve competitions or giveaways involving high value prizes or with a large audience reach.

Advice should be sought from SBS Legal on the conduct of:

- competitions;
- high risk giveaways such as giveaways for high value prizes or involving complex deals.
6 COMMUNITY INFORMATION

6.1 Introduction
SBS broadcasts, free of charge, community information announcements and community promotional material for charitable and community organisations. These are known as community service announcements (CSAs). SBS may also publish a limited number of CSAs on its digital media services. CSAs are broadcast and published as a service to the community, subject to the selection and placement criteria set out in Code 6 (Community information) of the SBS Codes of Practice.

This Guideline provides further guidance to Code 6 on:

• payment;
• managing requests to run CSAs on SBS Radio language programs;
• SBS’s policy on broadcasting fundraising announcements;
• personal announcements.

CSAs on SBS’s television services are managed through the SBS Foundation. Requests for CSAs outside the scope of the SBS Foundation are managed by the SBS Marketing Division.

Requests for CSAs on SBS’s online services other than SBS Radio websites are managed by the SBS Marketing Division.

Announcements about competitions and giveaways are not CSAs (see Guideline 5.10 – Competitions and giveaways).

6.2 Payment
SBS may charge third parties for CSAs. However, when consideration is accepted for airtime for such announcements, they must be counted towards the five minutes per hour limit on advertising on SBS’s television and radio services (see Code 5 – Advertising and sponsorship, SBS Codes of Practice; and Guideline 5.5.8.3 – Amount and duration of advertisements). This excludes production fees charged by SBS for CSAs.

6.3 CSAs on SBS Radio
SBS Radio assists Australia’s culturally and linguistically diverse communities to participate as fully as possible in Australian society through the broadcast and publication of CSAs about community events, fundraising activities and relevant information campaigns.

CSA requests should be directed to the SBS Radio Content Manager, or their delegate, for assessment and selection against the criteria in Code 6 (Community information) of the SBS Codes of Practice.

CSAs should be distinguished from SBS content. The length and form of CSAs is a matter for SBS to determine.

CSAs should be concise, giving essential details such as the organisation, purpose of the event or activity (including the purpose of any funds raised), time, venue, cost (where relevant), and contact details (such as a website address or telephone number).

The number of times an announcement may be broadcast or published is at the discretion of the SBS Radio Content Manager or their delegate, taking into account:

• the importance of representing a range of causes and groups which are of interest to the relevant community;
• the need to give equity of access to different sectors of the relevant community; and
• the status of the entity, as set out in Code 6.

Broadcasters must not promote any matter in which they or members of their family have a financial or other interest (see also Guideline 4 – Conflicts of Interest).

6.3.1 Government information campaigns
SBS has an obligation to assist in the provision of settlement and other information to SBS Radio’s language communities. SBS Radio may enter into agreements with government departments and agencies for the broadcast of CSAs about various campaigns and services.

SBS may broadcast these announcements as CSAs provided the material is broadcast only at the discretion of SBS Radio and SBS does not receive any consideration in cash or in kind for the airtime.

SBS may charge for the production of such announcements.
Material broadcast or published as part of such campaigns must carry an acknowledgement of the originating government body.

SBS Radio will determine a placement strategy, in consultation with the originating entity, which aims to ensure maximum penetration of target audiences with a minimum disruption to language programs.

6.4 Fundraising and appeals

SBS may broadcast or publish, as CSAs, announcements for fundraising and other appeals by organisations approved by SBS. Requests must be upwardly referred to the relevant Division Director for consideration and approval.

Fundraising appeals can be in the form of radiothons, telethons or online appeals.

6.5 Personal announcements

SBS does not treat personal announcements, such as announcements about births, deaths, and marriages, or missing persons announcements, as CSAs. Generally, personal announcements will not be broadcast unless newsworthy.

6.5.1 SBS Radio

Personal announcements may be broadcast or published on SBS Radio where the following conditions are met:

- the SBS Radio language group considers that a particular community has a special need for the announcements, and it is appropriate for such announcements to be broadcast or published;
- the SBS Radio Content Manager has approved the broadcast or publication of the announcement.

The SBS Radio Content Manager must take the following matters into account when making a decision:

- whether there are other ways in which the information can be conveyed to the community;
- whether the quality and effectiveness of a program or website will be affected by the announcements;
- whether the reliability of the information is guaranteed; and
- whether there are compassionate grounds for the announcements.

Announcements regarding missing persons must not be made without the approval of the Director Audio and Language Content.
7.1 Introduction
The SBS Editorial Guidelines apply to NITV with two additional guidelines addressing areas that are specific to NITV:

- 7.2 Language
- 7.3 Children and young people in children’s programming

These should be cross-referenced with Code 1.3.1 (Indigenous Australians) of the SBS Codes of Practice, which outlines Indigenous protocols that are also relevant in considering the obligations set out in these guidelines.

7.2 Language

7.2.1 Introduction
This Guideline outlines the essential principles on the appropriate use of Indigenous dialects and languages in content.

Content producers should contact the NITV Channel Manager’s office in the first instance for advice on using Aboriginal English or Kriol terminology, as well as advice on how to appropriately refer to Indigenous people in content.

7.2.2 Importance of language to the Indigenous perspective
NITV content conveys the diverse voices of Indigenous Australians and presents content from an Indigenous perspective.

Indigenous dialects and languages are important to self-identification and to presenting an Indigenous perspective.

Indigenous dialects are used in all NITV content including news and current affairs and programs for children and young people.

Aboriginal English includes the diverse languages spoken by Aboriginal people across the various regions of Australia. Although Aboriginal English shares some common features with varieties of Australian English, it is very different in the way that meaning is expressed.

Kriol is a mix of English and traditional languages and is the first language of a large number of Indigenous people in the Torres Straits and northern regions of Australia.

Some examples of words may include ‘our mob’, ‘lingo’, ‘country’.

An example of Indigenous self-identification in language is ‘a man’ instead of ‘an Aboriginal man’ or ‘Torres Strait Islander man’.

7.3 Children and young people in children’s programming

7.3.1 Introduction
One of NITV’s unique features is its provision of children’s programming.

For the purposes of this Guideline 7.3, ‘children’s programming’ captures content made for children and young people under 18 years of age.

Through children’s programming, NITV aims to foster cultural awareness in Aboriginal and Torres Strait Islander children and young people and be a place where they can see themselves and Indigenous peoples around the world depicted on screen.

Children and young people participate in children’s programming in various ways, such as by being actors in dramas, contestants in game shows, participants in magazine style programs, as well as in program promotions.

Their participation should be a rewarding experience as well as an opportunity for self-expression and to develop their awareness of the world.

7.3.2 Application
This guideline specifically applies to NITV’s children’s programming where children and young people are employed or participate in making content.

It complements the legal responsibilities on content producers when dealing with children and young people under 18 years of age, and provides guidance on the relevant obligations to be taken into account.

This includes respecting the cultural sensitivities and needs of Indigenous children and young people.

7.3.3 Consent
Prior to the participation of a child or young person in children’s programming, content producers must always obtain written consent from the child or young person and their parent or legal guardian.

In some situations this consent can be organised through a responsible adult acting in authority to the child or group of children, for example a school principal.
In addition to the written consent agreements, content producers should always clearly explain the purpose and expectations of the child or young person’s contribution to making the content. This should include details of the nature and purpose of the program and how the child or young person will be portrayed by the content.

Content producers should take into consideration the young participant’s age and maturity to ensure they are adequately informed.

In certain situations, consent agreements can be complex and legal advice should be sought. This may be where consent has been withdrawn, or a content producer is in doubt about whether they have obtained the appropriate consents.

Legal advice should also be sought when a content producer is unsure whether written consent is necessary in a particular circumstance.

### 7.3.4 Safeguarding the interests of children and young people

Content producers must take due care to safeguard the welfare, safety, dignity and interests of children and young people during their participation in children’s programming.

This obligation must take priority over any editorial decision about the child or young person’s contribution to the content.

Content producers should also respect the child or young person’s obligations to cultural practices that may arise during their participation.

Content producers must take care to avoid placing children and young participants in a context that endangers their physical or emotional well-being or makes them feel uncomfortable.

Should a child or young person indicate distress or discomfort during their participation, content producers should immediately stop production and seek advice from the commissioning editor or manager who may need to upwardly refer the matter.

Where a content producer becomes aware of a child welfare issue or is concerned that a child or young person is at risk of harm during their participation, they must immediately refer the matter to the NITV Channel Manager.

### 7.3.5 Impact of contribution

Content producers should always consider the likely impact of the child or young person’s contribution, taking into consideration the context and how the child or young person is portrayed by the content that will be broadcast.

Cultural considerations are just as important when evaluating likely impact, which should include reference to the SBS Indigenous protocols (The Greater Perspective and accompanying supplementary guidelines) (see Code 1.3 – Indigenous Australians, SBS Codes of Practice).

Where a content producer is concerned that a contribution to content may negatively impact on a child or young person, they should upwardly refer the matter.
8 CONTENT OUTREACH – ENHANCING THE PUBLIC VALUE OF SBS CONTENT

8.1 Introduction
SBS undertakes Content Outreach initiatives through partnerships with organisations for the purpose of enhancing the public and educative value of relevant SBS content beyond transmission. Outreach partnerships extend the impact of SBS’s content by developing new and innovative ways to reach and engage audiences.

SBS can leverage its investment in content by utilising external resources, including financial and in kind, through Outreach partnerships.

Content Outreach involves SBS cross-divisional collaboration managed by the Content Outreach Manager. Any potential initiative should be discussed with the Content Outreach Manager in the first instance.

8.2 Key principles
All Content Outreach initiatives must align with SBS’s Charter obligations.
Content Outreach partnerships must not compromise SBS’s independence and integrity.
SBS and its partners should work collaboratively on a Content Outreach activity for the key purpose of engaging audiences with SBS content.
Content Outreach should not be used as a vehicle for directly raising revenue for SBS or its partners.

The SBS Content Outreach model relies on non-commercial partnerships with organisations that have an interest in the subject matter of the initiative. Content Outreach must not be a vehicle for promoting a partner’s interests outside the scope of the initiative. This does not preclude the use of shared branding on resources or the use of partner resources that are of direct relevance to the initiative.
Partner contributions, whether financial or in kind, must be used for the Content Outreach activity and must not be used for the production or acquisition of SBS content that Outreach is supporting. This does not preclude contributions to Content Outreach material that may be broadcast or published.
Content Outreach partners should be acknowledged through credits on the relevant Outreach material.
9 HANDLING CODE COMPLAINTS

9.1 Introduction
The procedures set out in this Guideline apply to all Code complaints. Code complaints are complaints about SBS content that allege that SBS has breached the SBS Codes of Practice.

Code complaints are made under Code 9 (Comments and complaints about SBS content), and have to meet particular requirements (see Code 9.3.1 – How to make a Code complaint).

The SBS Ombudsman must investigate and respond to Code complaints (see Code 9).

SBS acknowledges that it is the right of all audience members to make a complaint. It is SBS’s responsibility to have in place adequate complaints handling procedures and to dedicate sufficient resources to addressing the concerns of audience members. SBS treats all complaints equally and fairly in line with the complaints procedures set out below and in Code 9.

Code 9 also sets out the role of the Australian and Communications Media Authority (ACMA) in investigating complaints about alleged breaches of the SBS Codes of Practice which are not handled to the satisfaction of complainants.

General complaints, correspondence and feedback are dealt with under Guideline 10 – General complaints, correspondence and feedback.

9.2 Coordination of Code complaints
The office of the SBS Ombudsman manages Code complaints. The SBS Ombudsman reports directly to the Managing Director and is independent of all SBS programming divisions.

The role of the SBS Ombudsman is to:

- undertake a proper and fair investigation of Code complaints;
- determine whether a Code complaint is upheld or dismissed;
- manage the Complaints Committee process;
- provide written responses to Code complaints and ensure they are answered courteously and within the required timeframe;
- request the relevant Division to commission translations of Code complaints and content as required;
- maintain a central database of all Code complaints;
- refer to SBS Legal all Code complaints which contain the threat of legal action (see 9.2.1);
- obtain input from the relevant Division/s as required in relation to Code complaints;
- obtain input, as required, from the Corporate Affairs Division in relation to Code complaints;
- oversee training to SBS employees on procedures for handling Code complaints;
- provide reports to the SBS Board on the Code complaints received and any relevant details or progress; and
- liaise with the ACMA and other relevant bodies in relation to Code complaints which have been referred by the complainant for external review.

9.2.1 Legal referral
The SBS Ombudsman and SBS Legal will consult on Code complaints which contain the threat of legal action or concern legal matters. SBS Legal will decide and advise on whether the Code complaint investigation should continue or be suspended until the legal aspects are resolved.

Legal action includes proceedings and investigations conducted by federal and state administrative bodies.

9.3 Referral of Code complaints to the SBS Ombudsman
Complaints may be received by any Division. Code complaints must be referred to the SBS Ombudsman by the relevant Division staff member. Complaints must also be referred to the Ombudsman if the Division is unsure as to whether it is a Code complaint.

Correspondence addressed to the SBS Chairman, Managing Director or Board Directors that raises a Code complaint must be referred to the SBS Ombudsman who will deal with the complaint in accordance with Guideline 9.4.

9.4 Procedure for handling Code complaints

9.4.1 Initial assessment of complaints
The SBS Ombudsman will determine whether a complaint is a valid Code complaint or a general complaint.

If it is a Code complaint it will be registered on the SBS Code complaints database and investigated by the SBS Ombudsman.
General complaints will be referred to the relevant Division. At times the Ombudsman will suggest that the Division provides a written response to the complainant. In such cases, and where the Division determines that a response is required, the Division should endeavour to provide the response to the complainant within 30 days, and must get the response to the complainant within 60 days from the date of receipt of the complaint by SBS.

9.4.2 Investigation by the SBS Ombudsman

The SBS Ombudsman will investigate Code complaints in accordance with Code 9 of the SBS Codes of Practice. The relevant Division/s will assist the investigation by providing necessary background information and a written submission addressing the Code compliance issues.

Any material requested by the SBS Ombudsman from a Division should be provided as quickly as possible and always within 10 working days of receipt of the request.

9.4.3 Complaints involving individual employees

Where a complaint being investigated implicates, either directly or indirectly, a particular employee in the alleged breach of the SBS Codes of Practice, they must be provided with a copy of the complaint by either the SBS Ombudsman or their manager and be given the opportunity to respond.

9.4.4 Ombudsman’s response

After investigation of the Code complaint, the SBS Ombudsman will make a decision to either:

- dismiss the complaint; or
- uphold the complaint; or
- refer the complaint to the Complaints Committee (see 9.5).

In the case of a breach of the SBS Codes of Practice, the SBS Ombudsman will provide the Director of the Division involved in the content with the response. If the Director of the Division disagrees with the decision, they can refer the complaint to the Complaints Committee (see 9.5).

Once the decision is finalised, the Ombudsman will provide a written response to the complainant in accordance with Code 9.3.8 of the SBS Codes of Practice (Replies to Code complaints).

The written response must be provided to the complainant within 60 days of receipt of the complaint. Additional time may be required where a complaint is complex, a translation is required, or the complaint is referred to the Complaints Committee. The complainant should be informed of any expected delay in accordance with Code 9.3.8.

9.5 Complaints Committee

9.5.1 Function

The SBS Ombudsman, the relevant Division Director, or the NITV Channel Manager (or nominee), may refer a Code complaint to the Complaints Committee for further consideration.

In these cases the Complaints Committee makes the decision on whether the complaint is dismissed or upheld.

9.5.2 Composition

The Complaints Committee is composed of the Managing Director (Chair), SBS Ombudsman, Chief Content Officer, Director Television and Online Content, Director Audio and Language Content, Director News and Current Affairs, and Director Corporate Affairs or equivalent positions from time to time. In the case of complaints about NITV, the Committee will include the NITV Channel Manager (or nominee).

Depending on the complaint, the Committee may invite a person with relevant expertise, and who is external to the Division/s under review, to advise on the complaint.

9.5.3 Decision

Prior to upholding or dismissing the complaint, the Complaints Committee will review the complaint and any recommendations made by either the SBS Ombudsman or the relevant Division Director. The Complaints Committee may request additional information and further investigation of the matter before making its decision.

The decision of the Complaints Committee will be made by majority opinion and will be the final decision of SBS. The Complaints Committee will endeavour to finalise the investigation of the complaint within a reasonable time. The SBS Ombudsman will advise the complainant if there is a substantial delay in reaching a decision.
The SBS Ombudsman will advise the complainant of the decision of the Complaints Committee.

9.6 Action to be taken for upheld Code complaints

When a Code complaint is upheld, the action to be taken will be decided by the SBS Ombudsman and the Director of the relevant Division.

The Ombudsman will inform the Managing Director of the agreed action.

The Division Director is responsible for ensuring the action is carried out. The action decided on must occur within a reasonable period of the breach finding. The action may include the following:

- acknowledging to the complainant that a breach has occurred;
- apologising to the complainant for the impact of the breach;
- placing a correction, apology or retraction on the SBS website;
- broadcasting the correct information; or
- broadcasting an apology.

9.7 Confidentiality

A request made by a complainant for their name to be kept confidential in an internal investigation will be considered at the discretion of the SBS Ombudsman. SBS respects the confidentiality of complainants and SBS staff involved in the complaints process. SBS treats Code complaint investigations confidentially. This is to protect the privacy of all parties involved in the investigation, including SBS staff who become involved in a particular investigation. As a result, staff are required to treat such matters with equal confidentiality.

9.8 Petitions

When SBS receives a written petition a single reply to the organiser is sufficient.

9.9 Translations of content in languages other than English

Where a Code complaint is received about content that was broadcast or published in a language other than English and was not translated, the respective Division may, where appropriate, arrange for a translation of the program, usually by a producer of that program.

The SBS Ombudsman will request the relevant Division to supply a NAATI (National Accreditation Authority for Translators and Interpreters) accredited translation as required.
10.1 Introduction

SBS receives general complaints, correspondence and other feedback about its services from audience members on a daily basis.

Most of this feedback is received by telephone, email or social media by SBS Audience Relations.

Complaints and feedback may also be sent directly to other Divisions.

Some correspondence will be addressed to the Managing Director, the SBS Chairman, Board Directors and Division Directors.

10.1.1 Complaints

Complaints sent to SBS are dealt with as either general complaints or Code complaints.

Code complaints are complaints which allege that SBS content has breached the SBS Codes of Practice. Code complaints are dealt with by the SBS Ombudsman (see Code 9 – Comments and complaints about SBS content, SBS Codes of Practice; and Guideline 9 – Handling Code complaints).

Complaints that do not allege that SBS has breached the SBS Codes of Practice are treated as general complaints (see Code 9 and below).

Complaints received by the SBS Ombudsman which the Ombudsman determines are general complaints will be referred to the relevant Division to be dealt with in accordance with this Guideline 10.

10.1.2 Application

This Guideline sets out how to deal with general complaints, correspondence and feedback.

Comments and feedback received via SBS’s social media sites are dealt with under the SBS Website User-Generated Content Guidelines and the SBS Social Media Protocol.

10.2 How to deal with general complaints and feedback

10.2.1 Dealing with audience members

People contact SBS for information or to make a comment about SBS’s content, services or policies.

SBS employees are required to treat audience members with honesty, respect, fairness, courtesy and sensitivity (see the SBS Code of Conduct).

How SBS deals with general complaints and feedback is an important part of upholding SBS’s reputation and presenting SBS to its audiences.

People who contact SBS may be upset or angry about SBS’s content, services or policies. If a person is abusive, aggressive, or menacing employees should not engage any further with them. If the person has contacted SBS by telephone the call should be quickly and politely terminated. The preferred approach is for employees not to provide their name or email address but to advise the person to email SBS at comments@sbs.com.au or to send a letter.

Employees should advise their manager of any exchanges which become abusive, aggressive or are otherwise menacing. Managers should keep a record of the matter in case the person escalates the matter.

Employees should avoid detailed and drawn out conversations or email exchanges with audience members about SBS’s content, services or policies. Callers can be directed to the SBS Charter and the SBS Codes of Practice (on the SBS website) for more information.

10.2.2 SBS Audience Relations procedures

The SBS Audience Relations team is the first point of contact for audience members.

SBS Audience Relations will ensure that procedures are in place for dealing with members of the public who are abusive, aggressive or menacing and for responding to other incidents such as threats of any nature.

The SBS Audience Relations team is not expected to enter into detailed discussions about SBS’s content, services or policies. The SBS Audience Relations team will deal with audience members in the following manner:

- provide scheduling and other general information about content;
- respond to negative feedback by advising the person that their complaint will be passed on to the relevant Division either for their information or for a response;
- refer enquiries to the relevant area if further information or explanation is required;
- make a brief record of the person’s views, comment or complaint for distribution to staff in a daily feedback report.
SBS Audience Relations is responsible for ensuring that audience feedback is distributed to Division Directors and other relevant staff in the form of a daily feedback report.

SBS Audience Relations is also responsible for alerting Divisions to issues as they arise to ensure that the matter can be appropriately managed (for example, where this is a strong audience reaction to the content or where services are not available).

10.2.3 Employee responsibilities

Employees to whom audience members are directed for further assistance, or who are contacted directly by audience members should do the following:

- identify themselves by their first name and job title (where relevant);
- be as helpful as is reasonable;
- if the matter is beyond their knowledge or expertise, refer the matter to their supervisor or the relevant Division (or, if the enquiry is by telephone ask the caller to set out the matter in writing);
- record the person’s details and respond to them at a later time where necessary.

Refer to Guideline 10.2.1 for procedures to follow when dealing with people who are abusive, aggressive or menacing.

10.3 Complaints which allege a breach of the SBS Codes of Practice

Where a person appears to allege that SBS has breached the SBS Codes of Practice they should be advised that they will need to make a Code complaint if they would like the matter investigated by the SBS Ombudsman.

The person should be directed to the complaints section of the SBS website for information on how to make a Code complaint.

Code 9 sets out the steps for making a Code complaint.

In cases where the person has difficulties in writing (for example, literacy level or a disability) or requires other reasonable assistance, the SBS Audience Relations team should provide relevant assistance.

10.4 Managers’ responsibilities

Managers in each area are responsible for ensuring that employees are briefed on how to deal with general complaints and feedback from audience members.

Managers must ensure that the SBS Audience Relations team is advised of any special directions for handling enquiries on matters which require special attention for example content that has the potential to cause an out of the ordinary impact or schedule changes.

10.5 Matters to be brought to the attention of SBS management

Division Directors, and the Head of Group Communications, need to be made aware, at an early stage, of potentially serious issues, including those which might require public comment.

Correspondence or other enquiries referring to such matters should be referred immediately to the Director Corporate Affairs, and where it is highly controversial, to the Managing Director.

Correspondence from members of parliament and other government representatives should be forwarded to the Director Corporate Affairs.

Where the matter is in writing and raises a Code complaint the correspondence must, at the same time, be referred to the SBS Ombudsman to be dealt with as a Code complaint (see Guideline 9 – Handling Code complaints).

10.6 Correspondence addressed to the Chairman, Managing Director or Board Directors

Correspondence addressed to the SBS Chairman, Managing Director or to Board Directors that does not raise a Code complaint will normally be referred to the relevant Division for either a direct reply, a response on behalf of the addressee, or for comment and input for the preparation of a response.

Correspondence which raises a Code complaint should be forwarded to the SBS Ombudsman to be dealt with as a Code complaint (see Guideline 9 – Handling Code complaints).

10.7 Preparing responses to correspondence

Divisions and content areas will often be required to provide input and comment for responses to be sent by the SBS Ombudsman, the Managing Director, the SBS Chairman or a Division Director.

In some cases content areas will be asked to respond on behalf of the Managing Director, the SBS Chairman or a Board Director. In these cases the employee who signs the reply should indicate on whose behalf they are signing (e.g. the Managing Director).
All input and responses must be drafted in plain English, be restrained and courteous and address the concerns of the audience member. Responses should set out SBS’s position clearly and concisely.

Responding to audience members also provides SBS with an opportunity to inform them about upcoming SBS content and services.

Employees should endeavour to respond to written correspondence within 60 days from the date of receipt of the correspondence by SBS. If that is not possible the correspondent should be advised of the expected date of the response.

10.7.1 SBS Ombudsman referral

Complaints received by the SBS Ombudsman which the Ombudsman determines are general complaints will be referred to the relevant Division for appropriate action.

In some cases the Ombudsman will indicate to the Division that the complaint is serious enough to require a response. The Ombudsman will send an interim response to the complainant where the Ombudsman considers it is necessary. Divisions are required to indicate in the response to the complainant that their complaint has been assessed as a general complaint and was forwarded to the Division by the SBS Ombudsman for a response.

In other cases the Division will determine whether a response is required. Divisions are required to make reasonable efforts to respond to general complaints in accordance with Code 9.2 – Comments, feedback and general complaints, SBS Codes of Practice. The Division should endeavour to provide the response to the complainant within 30 days, and must get the response to the complainant no later than 60 days from the date of receipt of the complaint by SBS.

10.8 Keeping records

Relevant Divisions are required to keep records of correspondence as appropriate and in accordance with SBS’s record-keeping and privacy policies.
11.1 Introduction
SBS receives many requests for access to its content including:
- for private use;
- for commercial, non-profit or educational use;
- where the material is, or may be, subject to an investigation or legal proceedings.

This Guideline 11 outlines SBS’s policies on supplying content to third parties including time periods for retaining copies of SBS content which is or may be subject to an investigation.

The sale of SBS content through the following methods is not covered by this Guideline 11:
- distribution agreements – contact SBS Distribution;
- educational licences – contact SBS Legal.

Individual SBS employees do not have the right to sell or give away SBS content.

11.2 Retention of content
SBS content must be retained for time periods specified by legal and administrative requirements. All content must be retained for at least six weeks from the date of broadcast or publication.

Particular retention periods also apply when content becomes the subject of legal proceedings or investigation, including Code complaints (see Guideline 9) and matters relating to a political subject or current affairs (section 70B, SBS Act).

Where legal proceedings are instituted, the relevant content must be kept in accordance with advice from SBS Legal.

SBS is also required to retain copies of selected content broadcast and published on its services for archival purposes (see SBS’s Media Asset Retention Policy).

11.3 Copyright
SBS receives many requests for access to content that it has broadcast or published but for which it does not hold rights to grant the access requested. Enquirers can be directed to the SBS Legal Rights Management team for assistance (rights@sbs.com.au).

11.4 Private use
SBS does not generally provide or sell SBS content directly to individuals for private use.

Some SBS content is available for purchase through SBS’s retail distributors and the SBS Shop online. Most SBS content is also available for viewing and sharing for certain periods on the SBS website or through other digital providers. Requests from the general public should be referred to these sources. Requests can also be directed to the SBS Legal Rights Management team (rights@sbs.com.au).

Subject to third party copyright, exceptions may be made. For example, SBS may agree to provide a personal copy of an SBS recording of a performance to the performer. This decision should be referred to the relevant Cost Centre Manager (with referral as necessary to the Division Director).

11.5 Commercial and non-profit use
Commercial and non-profit organisations may request the use of SBS content for certain purposes (for example the use of news footage in a documentary).

Where SBS has, or is able to obtain, the rights to grant the use of SBS content to a third party, the supply of that content must be authorised by the relevant Division Director. A licence agreement must be used.

The following matters should be taken into account:
- whether the use would compromise SBS’s editorial independence and integrity – if so, the request should be rejected;
- whether the use would imply SBS’s endorsement of a product, service or organisation – if so, the request should be rejected;
- a rights check through the SBS Legal Rights Management team.

Except in the case of daily news material covered by reciprocal arrangements with other media entities, supply of all SBS news material must go through the Director News and Current Affairs.

11.5.1 Use of SBS content in advertising
Requests for SBS content for use in broadcast, digital or print advertising should be referred to the relevant Division Directors and the SBS Brand Partnerships team in the SBS Media Division.
Requests should be rejected where the use would compromise SBS’s editorial independence and integrity. Use of SBS content in political advertisements is not permitted.

When approving requests, SBS must also obtain the written consent of individuals who are identifiable in content which may be used to suggest those individuals endorse or support a particular product, service or viewpoint.

11.6 Code complaint investigations
SBS may provide a copy of content which has been broadcast or published by SBS (at cost) to a person who has made or intends to make a Code complaint (see Guideline 9). SBS does not provide translations of the content.

11.7 Legal proceedings and official investigations
Requests for material;
- which is the subject of legal proceedings that have been threatened or commenced or are likely to be commenced against SBS or against a third party; or
- which is requested in the course of an official investigation such as a Royal Commission;
should be immediately referred to SBS Legal.
SBS will generally provide a copy of program material to the person requesting it if that person is referred to in the content, their request is made within the appropriate time period, and that person:
- describes the content in a manner which enables it to be easily identified; and
- indicates they wish to assess whether the material may be actionable against SBS.
SBS will not provide material for use in legal proceedings to which SBS is not a party unless a subpoena has been issued or the request is made on behalf of both parties to the litigation. This material will be made available at cost.
Requests for content by the police or other public authority generally require a search warrant or subpoena except in clear cases of public danger, where assistance to the police or other public authority will help reduce the risk to public safety.