

Community Broadcasting Participation Guidelines

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Canberra Central Office
Purple Building, Benjamin Offices
Chan Street, Belconnen
PO Box 78,
Belconnen ACT 2616
Tel: 02 6219 5555
Fax: 02 6219 5200

Melbourne Central Office
Level 44, Melbourne Central Tower
360 Elizabeth Street, Melbourne
PO Box 13112 Law Courts
Melbourne Vic 8010
Tel: 03 9963 6800
Fax: 03 9963 6899
TTY: 03 9963 6948

Sydney Central Office
Level 15, Tower 1 Darling Park
201 Sussex Street, Sydney
PO Box Q500
Queen Victoria Building NSW
1230
Tel: 02 9334 7700, 1800 226 667
Fax: 02 9334 7799

Australian Communications and Media Authority

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1. Introduction

All community broadcasting services (services) must comply with obligations set out in the *Broadcasting Services Act 1992* (the Act), including licence conditions. The purpose of some of these obligations is to ensure that services are operated for the community and by the community.

Community broadcasting services are broadcasting services provided for community purposes, and are not operated for profit or as part of a profit-making enterprise.

The Australian Communications and Media Authority (the ACMA) has developed these guidelines, which are advisory only, to help licensees comply with two of the licence conditions applicable to these services. These two licence conditions require licensees to:

- encourage members of the community they serve to participate in the operations of the licensee in providing the service, and the selection of and provision of programs under the licence¹ [community participation requirement]; and
- continue to represent the community interest they represented at the time their licence was allocated or last renewed² [community representation requirement].

These licence conditions apply to all community radio and community television services, including temporary community broadcasting services.

As community radio and community television have different operating environments, these advisory guidelines include separate illustrative examples for community radio and community television services, where appropriate. **The examples are intended to give general guidance only – they are hypothetical and the licensee names used in them are fictional.**

The ACMA is responsible for monitoring compliance of licensees with their licence obligations. In the case of the community participation and community representation requirements, compliance is assessed when the ACMA:

- allocates or renews a community broadcasting licence; or
- investigates a complaint about a licensee's compliance with the community participation or community representation licence conditions.

Please note that these guidelines do not and cannot add to the requirements of the legislation. Rather, they are intended to give some practical guidance on measures that licensees can implement to help them comply with the requirements of the Act. They do not prescribe measures that, if implemented, would necessarily ensure that a licensee complies with the Act. It is not the ACMA's role to give advisory opinions or approve conduct in advance of it occurring.

¹ Clause 9(2)(c) of Schedule 2 to the Act.

² Clause 9(2)(b) of Schedule 2 to the Act.

If in doubt, community broadcasters should contact their industry group or peak organisation for assistance, or seek independent legal advice.

Community broadcasting industry groups and peak organisations include:

- Australian Community Television Alliance (ACTA);
- Australian Indigenous Communications Association (AICA);
- Christian Media Australia (CMA);
- Community Broadcasting Association of Australia (CBAA);
- Indigenous Remote Communications Association (IRCA);
- National Ethnic and Multicultural Broadcasters Council (NEMBC);
- Radio for the Print Handicapped Australia (RPHA); and
- Southern Community Media Association (SCMA).

Queries about these advisory guidelines may be directed to the ACMA's Community Broadcasting Group at communitybroadcasting@acma.gov.au.

2. Key points

Licensees need to understand these key points to better ensure their services are operated for and by their communities. Each of these key points is considered in detail in these advisory guidelines.

- * Licensees must encourage members of the communities they serve to participate in the operations of their service (that is, the management and running of stations).
- * Licensees must encourage members of the communities they serve to participate in the selection and provision of programs.
- * Licensees must continue to represent the community interest that they represented at the time their licence was allocated or last renewed.
- * Licensees should use a range of initiatives and measures to encourage community participation and to ensure that they represent their community interest. No single activity or initiative alone is likely to result in compliance with the community participation and community representation requirements.
- * Membership and member involvement are key ways for communities to participate in the operations and programming of a service.
- * Any restrictions on membership should be reasonable.
- * Licensees with membership restrictions should use a broad range of initiatives and measures to comply with the community participation and community representation requirements.
- * Licensees should monitor and respond to the changing needs of the communities they serve.
- * Licensees should have an appropriate organisational structure, regularly take steps to identify the needs of the communities they serve, and have a program schedule which reflects the needs of the communities they serve.

3. Community interest

3.1 WHAT IS A COMMUNITY INTEREST?

A “community interest” is a common interest shared by a group of people in a community (including audience and participants) that a community broadcasting licensee has identified in its application at the time of allocation or renewal. A community interest may be general in nature (for example, representing the community’s needs within the general geographic area of a licence) or it may be specific (for example, representing the needs of the Indigenous community within a licence area).

All community broadcasting licensees should be familiar with the community interest specified in their broadcasting service licence certificate. This is fundamental to their effective representation of their community interest and proactively encouraging audiences and like-minded members of the community to participate in the operations and programming of their services.

The Act does not define ‘community’ or ‘community interest’ but services should:

... meet the needs of a local community or of a particular sector of the community.³

For the purpose of community broadcasting, ‘community interest’ means the needs or interests of a group of people who:

- live or spend a substantial amount of time in a particular geographic area; or
- share an ethnic or cultural background; or
- share religious beliefs; or
- share, or identify with, some other particular characteristic or interest.

In relation to the community participation obligation, the licence condition requires a licensee to ‘encourage members of the community that it serves to participate in’ its operations and programming. This requirement relates back to the licensee’s identified community interest. For example, if a licensee represents a fine music community interest, it would be expected that the licensee would be able to provide evidence during an investigation or at renewal to demonstrate how it encouraged members of the community in its licence area with an interest in listening to, or playing, fine music to become involved in its operations and programming.

³ Source: Explanatory memorandum to the *Broadcasting Services Bill 1992* (at page 23).

3.2 WHAT ARE SOME EXAMPLES OF A COMMUNITY INTEREST?

Community radio

The ACMA licenses community radio services to serve a range of community interests in particular areas. It is possible to have more than one community radio service in a licence area.

Community radio services identify their community interest to the ACMA by stating their community interest in their licence application and licence renewal forms.

Most community radio services are licensed to serve the general community interest—the needs of the broad community in the geographic area of the licence. However, the ACMA sometimes licenses services to represent the interests of a more specific section of community.

General community interest

- Focus is geographically-based - the interests of the entire community of the geographic area of the licence.
- Includes those who spend a substantial amount of time in the licence area for work, study or leisure purposes.

A licensee may focus on several key needs (for example, ethnic, Indigenous and youth, or some other combination) that is reflective of the needs of the community in a licence area. This is partly because many other broadcasting services may already be meeting some of the community's needs in the licence area.

Specific community interest

- Focus is on the interests of a particular sector of the community within the licence area.
- Looks to serve those in the licence area who share or identify with a particular characteristic or interest.

Examples:

- Ethnic/cultural – general or specific groups
- Educational
- Indigenous
- Music – fine, progressive or specialised
- Print Handicapped
- Religious – Christian, Islamic
- Senior Citizens
- Youth

Community television

To date, the ACMA has licensed community television services to serve the community interest of the general geographic area of the licence. As television requires a large amount of spectrum and is costly to provide, it is not feasible to have more than one community television service in a licence area.

4. Complying with the community participation requirement

4.1 WHAT IS COMMUNITY PARTICIPATION?

Community participation in a service requires the involvement of, or contribution by, a group or individuals who share a common interest in a licensee's community interest and who live or work within a licence area.

The community participation obligation is the licence condition which requires licensees to encourage members of the communities they serve to participate in:

- the operations of the licensee in providing the service; and
- the selection and provision of programs under the licence.

The requirement is ongoing and applies for the duration of a community broadcasting licence.

Radio example

4ZEZ is licensed to serve the youth community interest in a city licence area.

4ZEZ's program schedule:

- is dominated by a particular genre of music;
- has limited talkback, current affairs and news programs; and
- does not play other styles of music.

Also, 4ZEZ directs its efforts to recruit only youth members with an interest in the particular genre of music.

Result: 4ZEZ is not encouraging community participation. It does not present other genres of music in which the youth community might be interested; it does not have talkback, current affairs or news programs that discuss issues of interest to the youth community; and it limits its membership recruitment efforts to youth in the city licence area who are interested in the same genre of music that it already plays.

4.2 DOES THE COMMUNITY PARTICIPATION REQUIREMENT APPLY TO ALL LICENCES?

Yes. The community participation requirement applies to all services, regardless of their location (metropolitan or regional, for example), the community served by the service, or the size of that community.

The ACMA recognises that not all services have access to the same amount of resources. For example, on average, metropolitan services attract more sponsorship revenue and members, volunteers and subscribers than their regional counterparts.

The Community Broadcast Database,⁴ available on the CBOonline website, provides useful data on national averages for members and volunteers for stations e.g. in metropolitan and regional areas. When the ACMA examines compliance with the community participation requirement, it considers the individual circumstances of each service.

4.3 WHAT IS THE ROLE OF THE CODES OF PRACTICE?

The ACMA has registered codes of practice for community radio and community television services.

The relevant codes of practice recognise that community participation underpins community broadcasting services:

Community radio

Our station will make sure that people in our community who are not adequately served by other media are encouraged and assisted to participate in providing our service. We will have in place policies and procedures to support this commitment. We will document evidence of our efforts to encourage community participation.

Code 2.1, radio codes of practice

Community television

Community television ... stations will:
Have written policies and procedures in place, relating to the licensee's community interest, which enable access and equity and encourage participation by those not adequately served by other media.

Code 1.2, television codes of practice

⁴ <http://www.cbonline.org.au>

5. How can licensees encourage participation in their operations?

In the ACMA's experience, licensees encourage community participation in their operations when they have sound corporate governance practices, value and promote membership and volunteering, and have an effective and transparent committee structure.

5.1 WHAT DOES 'ENCOURAGE' MEAN?

To encourage community participation, licensees **should take active steps** to:

- promote the service to the community;
- be open and accessible to the community;
- invite the community to participate in the service;
- offer a range of ways in which people can participate in the service; and
- make the community aware of opportunities to participate in the service.

The following sections look more closely at what it means to encourage community participation in the context of:

- the operations of a service; and
- the selection and provision of programs.

5.2 WHAT IS SOUND CORPORATE GOVERNANCE?

Sound corporate governance practices give communities confidence that their community broadcasting services are managed appropriately. They also enable communities to have adequate input into the decision-making that affects their services.

Examples of sound corporate governance practices include:

- policies that require office holders to declare any potential conflict of interest and to refrain from deliberating or voting on issues in which they have an interest;
- measures to prevent the concentration of control in the hands of a few individuals (for example, using a range of committees, limiting the number of proxy votes that a member can exercise and having a limited renewable term for individuals holding positions on committees or the board); and
- procedures for complying with regulatory requirements that apply to the service and its organisational structure. These include:
 - the licence conditions that apply to all community broadcasting services;
 - the obligations that apply to companies and incorporated associations under relevant Federal, State and Territory legislation for holding meetings, keeping records, and lodging documents.

Community radio

Code 1.2 of the radio codes of practice requires community radio services to have:

... written corporate governance policies and procedures that support management, financial and technical operations to meet all legal requirements.

Most community radio licensees are incorporated associations and each State and Territory has its own legislation and model rules that apply to the management and operation of incorporated associations.

As the State and Territory model rules do not address all the specific obligations of community radio services, the CBAA has developed a set of model rules specifically for community radio services.

Further information CBAA website – www.cbba.org.au

5.3 WHY IS MEMBERSHIP IMPORTANT?

Membership is one of the primary ways of encouraging community participation in the operations of a service.

Members can have a say in decision-making by:

- attending and voting at meetings;
- nominating for membership of boards and committees;
- participating in boards and committees; and
- proposing items of business for general meetings.

What is open membership?

Membership is open if:

- it is automatic on lodgement of a membership application form and payment of the membership fee; or
- a licensee can only refuse membership applications on the basis of specific, transparent and reasonable criteria, and there are adequate grievance or review mechanisms for rejected applicants.

Examples of specific and reasonable criteria for the refusal of membership applications are:

- reasonable grounds to believe the applicant:
 - would not abide by the licensee's rules and objects
 - would not abide by the codes of practice
 - would pose a security risk to members, property or premises
- the applicant has been convicted of a serious offence.

If membership of a service is overly restricted, then the licensee may not comply with the community participation requirement. This is discussed under: Can licensees have restrictions on membership?

The ACMA's strong preference is for community radio broadcasting services to have open membership policies in order to encourage community participation.

Community television services often adopt a consortium model of organisational membership, rather than individual membership. This is considered under: Can licensees have restrictions on membership? > Community television.

How can licensees attract members?

Licensees should promote the benefits of membership to the communities they serve. Information on the membership application procedure, including the membership application form, should be freely available.

Licensees can promote the benefits of membership through:

- o on-air announcements
- o the licensee's website
- o social media, such as Facebook or MySpace
- o membership drives
- o newsletters
- o distributing brochures at community events
- o notices on community bulletin boards
- o advertisements or articles in the local press.

How should licensees deal with membership applications?

Licensees should have clear and open procedures to ensure they follow up membership queries, process applications for membership, consider applications in a reasonable period of time, and notify applicants of the outcome of their application.

Licensees which have rules permitting rejection of membership applications should have appropriate safeguards in place, including:

- clear and reasonable criteria for rejection of membership applications; and
- a requirement to give rejected applicants reasons for the decision and information on review or appeal options. For example, a right of reply to a membership committee and/or right to appeal the rejection at a general meeting.

Many community broadcasters have a membership manager or committee, or both, to develop and implement initiatives to attract and retain members.

Further information CBAA website - www.cbba.org.au

5.4 CAN LICENSEES HAVE RESTRICTIONS ON MEMBERSHIP?

The community participation requirement means that participation in a service should be open to all within the licensee's defined community interest.

If restrictions on membership are unreasonable, then the licensee may not comply with the community participation requirement.

Radio example

5REL is licensed to serve the *religious* community in its licence area. 5REL's constitution and rules contain these membership restrictions:

- a cap on membership of 100 members;
- prospective applicants must be nominated by an existing member;
- the admission of new members must be approved by two-thirds of members;
- prospective applicants must have extensive broadcasting experience; and
- prospective applicants must belong to a particular denomination.

Result: 5REL's membership restrictions impede 5REL's ability to encourage community participation in its service.

Some licensees have membership restrictions which require members to have particular experience or attributes, or which place onerous preconditions on membership. Examples of this may include requirements for prospective members to be nominated by an existing member and approved by two-thirds of members; have extensive experience in broadcasting; or complete expensive training courses.

Any membership restrictions should be reasonable and licensees should ensure there are other opportunities for involvement by non-members from the broader community. Some other ways that licensees with membership restrictions can involve their communities include:

- holding station meetings and planning days with a broad range of station participants including members, producers and staff;
- seeking comprehensive feedback and suggestions from the community;
- recruiting non-member volunteers from the wider community;
- having community representation on committees;
- including volunteers and staff representatives as ex-officio members on the board;
- engaging with community groups;
- providing training;
- informing the community of the licensee's activities through noticeboards, newsletters, meetings, on-air announcements and the station's website; and
- participating in community events.

Any membership restrictions should relate to the community interest approved by the ACMA. It is not reasonable for licensees to use membership restrictions to narrow their community interest from the ACMA-approved community interest, as stated on their licence certificate. For example, a service with a *country music* community interest should appeal to people with an interest in country music, and restricting membership to country music artists or producers would not be reasonable. However, a licensee may apply to change its community interest when making application for the renewal of its licence (see 7.5 below).

Licensees with membership restrictions should apply them in a way that is non-discriminatory, according to the relevant State or Federal laws—community broadcasters should not exclude any member of the communities they serve from membership. For example, a service with an ethnic community interest would have open membership for all ethnic groups in its licence area and not restrict membership to a particular ethnic or cultural group. Similarly, a service with a *religious - Christian* community interest would have open membership for adherents of all denominations of Christianity in its licence area and not restrict membership to adherents of a particular denomination of the Christian faith.

Services operated as cooperatives

A small number of community radio services are companies that are registered as cooperatives.

Cooperatives often have an ‘active member’ category which restricts voting rights to a small group of defined positions, usually office holders and certain staff. Remaining financial members do not have voting rights and are not eligible to stand for office.

If active financial members and shareholders are able to vote at meetings, a cooperative licensee may be more likely to meet its requirement to encourage participation. Ideally, specific provision for this would be made in a cooperative licensee’s constitution.

Cooperatives should implement policies and procedures to ensure the following:

- a small group of individuals does not become entrenched as decision-makers;
- the broader membership and community interest is not excluded from participation in the service; or
- a small group does not decide who can hold positions and limit participation in the running of the organisation.

Radio example

Radio EXY requires its members to pay an annual subscription fee at the beginning of each financial year. However, Radio EXY is a cooperative with rules that limit involvement in decision-making to active members, defined as: board members, committee members, on-air presenters, technicians and administrative assistants.

Result: Radio EXY is not encouraging participation in its operations, as the ability to participate in decision-making is limited to a small group.

Services operated by educational institutions

Some community radio services are operated by educational institutions with a subscriber base instead of members.

These services can encourage community participation by:

- having subscriber representatives on their board and committees;
- making subscribers aware of the opportunity to participate on the board or committees, for example, by calling for expressions of interest in subscriber newsletters, in on-air announcements and on station websites;
- having significant numbers of educational or training institutions or students as members;
- having significant involvement by educational or training institutions or students in the management and/or operations of the service, such as participation on the board or management committee and/or other committees;
- actively engaging with educational or training institutions or students;
- having formal links with educational or training institutions that provide formal training to students in various aspects of the service and its operations; and
- having the status of a recognised training body or providing training that is markedly beyond what would normally be expected of a community broadcasting service.

Services operated by educational institutions should be responsive to all expressions of interest from members of their educational community interest to become involved in the licensee's operations.

Further information [Radio codes of practice](#) – Code 2 and appendix 1, section 3

- 2.1 Our station will make sure that people in our community who are not adequately served by other media are encouraged and assisted to participate in providing our service. We will have in place policies and procedures to support this commitment. We will document evidence of our efforts to encourage community participation.
- 2.2 Our policies and procedures will include mechanisms to enable active participation by our community in station management, programming and general operations.

Radio services operating as a consortium

Some community radio services operate as a consortium, particularly those with an ethnic community interest. Each ethnic group within the licence area is a member of the station and nominates, for example, two members to the licensee board.

Each ethnic group also handles programming requests from members of that ethnic group and makes programming selections. The ethnic groups then provide the programming of their choice to the licensee for broadcast.

Under this model of operation, the licensee would usually make available an equivalent amount of airtime to each ethnic group for the broadcast of its programming.

Members of the ethnic communities in the licence area are able to participate in the operations of a service with an ethnic community interest, mainly as volunteers, with participation in the programming of the service channelled through their respective ethnic group's membership of the station.

Community television

Community television involves a much greater financial commitment than community radio and many community television services adopt a consortium model.

The consortium model relies on organisational rather than individual membership — individuals are still able to participate in the service, but mainly as members of those organisations, or as volunteers.

By adopting a consortium model, a community television licensee relies on its organisational members to have open membership structures. If organisational members have membership restrictions, this sometimes result in complaints to the licensee.

In this regard, it is important for community television licensees that adopt a consortium model to ensure that organisations making up the consortium have open membership provisions before approving organisational membership. Licensees should also monitor their organisational members, particularly in situations that result in complaints to the licensee, to ensure that restrictive membership provisions have not been implemented by their organisational members.

To encourage community participation, community television services often:

- have community representatives sit on appropriate committees (for example, program committees);
- establish community engagement committees;
- have advisory committees to make recommendations to the board on a range of matters, including community engagement and programming;
- identify community groups that are not represented in the program schedule and encourage and help those groups produce programs;
- develop training programs for program providers; and
- hold regular meetings and invite station participants to the meetings.

Television example

CTV QTN's standard response to inquiries about becoming involved with the station is to advise that its membership is full, and it is unable to accept any new members or volunteers.

Result: CTV QTN is not encouraging community participation, as it has a blanket prohibition on accepting any new members or volunteers.

5.5 WHAT IS THE ROLE OF VOLUNTEERS?

Many licensees require their volunteers, particularly presenters, to be members. This does not impede community participation as long as membership is open and affordable, with appropriate concessionary rates (for example, discounted membership fees for students and pensioners).

Occasionally, licensees are unable to accept new volunteers as they already have a full complement of volunteers. Licensees who find themselves in this situation should take appropriate steps to ensure that all those willing to volunteer at the station eventually have the opportunity to do so. For example, these licensees could establish short-term waiting lists, relief rosters, volunteer rotations and task-sharing arrangements.

As volunteers are vital to the operation of most community broadcasting stations, they are entitled to appropriate training (at minimal or no cost, if possible) and to expect fair treatment.

Further information [Radio codes of practice](#) – Code 2 and appendix 1, section 5

Code 2.3 We will have policy documents in place that outline:

- (a) the principles of volunteering;
- (b) the rights and responsibilities of volunteers within the organisation;
- (c) the rights and responsibilities of the organisation to volunteers, whether they are members or not; and
- (d) grounds and procedures for the dismissal of volunteers.

5.6 WHAT IS THE ROLE OF SUBSCRIBERS?

Subscribers are financial supporters of services who receive a range of benefits but are not members of the licensee and do not have voting rights.

Interaction between licensees and their subscribers is a way of encouraging community participation, particularly when licensees:

- have a large subscriber base;
- actively invite subscribers to give feedback on programming and the service;
- regularly survey subscribers; and
- make use of demographic information and programming preferences obtained from subscriber surveys.

5.7 WHAT IS THE ROLE OF COMMITTEES?

Committees are an important way in which members and other people in the community served by the licensee's service can have a say in the running of the service.

Licensees should aim to have a range of committees, make their members aware of how to nominate for committee positions, and have their committees meet regularly and keep appropriate records. Smaller stations tend to have voluntary committees where members participate freely without the need for nominations and election to committee positions.

Licensees commonly establish committees to cover some or all of these functions:

- programming;
- membership;
- volunteers;
- training;
- community engagement;
- fundraising;
- technical;
- financial;
- administration;
- sales and marketing; and
- sponsorship.

Radio example

Radio Diverse is licensed to serve the general community interest of an ethnically diverse area of metropolitan Sydney. Although it offers a number of programs aimed at the ethnic community of the licence area, it does not have a programming committee. Instead, board members use their own judgment to determine community needs. Further, Radio Diverse has no proactive measures, such as feedback forms or listener surveys, to identify the community's programming needs.

Result: Radio Diverse does not encourage members of the community it is licensed to serve to participate in the selection and provision of programs.

6. How can licensees encourage participation in their programming?

Licensees must encourage community participation in two distinct areas of programming:

- program selection; and
- program provision.

In examining the requirement to encourage participation in the selection and provision of programs, it is acknowledged that radio and television are different mediums. In this regard, participation may occur in different ways. Some differences are highlighted below.

Community radio programs:

- are usually broadcast live from a station's studio;
- can be produced and presented by one person;
- are often of an hour or more in duration; and
- are often broadcast all year round.

Community television programs:

- are usually pre-recorded at locations other than a station's studio;
- require a crew of several people to produce, in addition to the presenter;
- are often of half an hour in duration; and
- are often broadcast in series of six to thirteen weeks.

Licensees that successfully encourage community participation in programming generally have a program schedule which reflects the needs and interests of the communities they serve, which may include needs and interests not met by other broadcasting services in the licence area.

6.1 ENCOURAGING COMMUNITY PARTICIPATION IN PROGRAM SELECTION

Licensees should have mechanisms for the community to make program requests and to involve members in the selection of programs.

Licensees that encourage community participation in program selection are more likely to have diverse program schedules, demonstrate responsiveness to the current and evolving needs of the community they serve, and complement other broadcasting services in the licence area.

Who should be responsible for programming decisions?

Licensees encourage community participation in program selection by providing opportunities for their communities to have a say in programming decisions.

Licensees do not encourage community participation in program selection where all programming decisions are concentrated in the hands of one individual (station manager or program coordinator, for example) or a small group.

So long as a licensee is adequately encouraging community participation, it is unlikely the licensee would be found to be in breach of this licence condition if members of the community are not involved in program selection. However, if the ACMA were to investigate a complaint, it might be necessary for the licensee to provide evidence of the strategies used to encourage participation in program selection and there might be a question as to why the licensee's strategies were ineffective.

A common way to encourage collective decision-making about programming is for licensees to establish a program committee.

What is the role of a program committee?

Licensees need to give some thought to the membership of their program committee. Program committee membership should not be unreasonably restricted to certain individuals, such as board members.

Program committees with restricted membership are:

- unlikely to give the community adequate opportunity to participate in program selection; and
- at risk of their program schedule not representing their community interest.

Licensees may give program committees a range of responsibilities, for example, to:

- develop and implement programming policies and procedures;
- publicise the procedure for making programming applications;
- accept and consider programming applications;
- collectively decide the programs that best reflect the needs of the community;
- ensure the program schedule remains diverse and reflects the needs of the community;
- oversee surveys of the community interest's programming preferences;
- revise program schedules to incorporate new programs; and
- negotiate program proposals with applicants.

Some of these responsibilities may be shared between the program committee and program coordinator or station manager. Where responsibility is shared, the respective roles of the program committee and relevant individual positions need to be clearly defined. For example, terms of reference can define the program committee's role and job descriptions can set out the role of relevant individual positions.

Community radio licensees with membership restrictions (for example, services operated by educational institutions) and community television broadcasters (with a consortium-based model), must involve members of the communities they serve in program selection. For example, they could:

- include appropriate community representatives on their program committee; and
- identify the programming needs and preferences of their communities— see: How can licensees identify community needs?

Radio example

Radio TAF's board is appointed by an educational institution. The station has a policy of including elected staff and volunteer representatives on the board.

Radio TAF involves the community in decision-making through a committee structure, including a program committee with one station-appointed representative and representatives elected by volunteers (three positions), staff (three positions) and subscribers (two positions).

The program committee considers and decides program proposals as well as conducts a program review twice a year and reports its results to the station manager. The board is kept informed of the program committee's operations, including decision-making, by receiving the minutes of the program committee's meetings at board meetings.

Result: Radio TAF is encouraging community participation in the selection of programs.

6.2 ENCOURAGING COMMUNITY PARTICIPATION IN PROGRAM PROVISION

Giving members of the community an opportunity to produce and present programs is a concrete way to demonstrate that the licensee has encouraged community participation in the provision of programming.

Radio example

Radio INT conducts 10 interviews a week with people from various community organisations and 20 per cent of the music it broadcasts is from local musicians.

In the past six months, Radio INT has increased the number of interviews with local musicians from 3 to 5 a week, as a result of local musicians hearing station announcements calling for new program proposals.

Radio INT holds regular training courses, which are well attended by members of its community. Many trainees go on to become presenters at the station.

Radio INT also has a work experience program which accommodates five placements a month.

Result: Radio INT is encouraging community participation in the provision of programs.

What is the role of program proposals?

Licensees encourage community participation in program provision when they are open to new programming ideas from the community.

Examples of activities which demonstrate that services are open to new programming ideas include:

- broadcasting regular on-air announcements inviting program proposals, CDs or DVDs;
- making available information on the procedure for making program proposals, application forms, and requirements for sample CDs or DVDs;
- developing a procedure for responding to program proposals from members of the community or program producers;
- canvassing local community groups and organisations which may have a particular programming need (for example, a program designed to help newly-arrived migrants settle into their new environment);
- inviting individuals and community groups to provide programming for vacant airtime;
- limiting the amount of vacant airtime or syndicated programming in favour of locally-produced programs, particularly where individuals or community groups have expressed interest in providing programs;
- providing work experience opportunities and training in the use of broadcasting facilities; and
- periodically analysing program schedules to ensure an adequate representation of locally-produced programs.

As a general rule, the larger the proportion of ‘live and local’ programs, the more likely it is that licensees are able to satisfy the requirement to encourage community participation in program provision. In this context, ‘local programming’ equates to content from within a licensee’s licence area rather than ‘Australian programming’.

Licensees should aim to limit their reliance on international, syndicated, satellite or filler programs.

Syndicated programs have a legitimate place in community broadcasting and can help community radio to flourish even in very small communities. However, syndication needs to be consistent with:

- the community nature of the service – as a result, licensees need to approach the use of syndicated commercial programs with extreme care; and
- the community interest being served – syndication is more appropriate for services with a specific community interest that is not necessarily geographically defined (for example, services for the print handicapped).

6.3 WHAT IS THE ROLE OF PRESENTERS?

The number of different volunteers, producers and presenters may also be an indication of the extent to which licensees encourage community participation in program provision. Licensees with a large number of presenters are more likely to have effective mechanisms in place to encourage community participation in program provision than licensees which have a program schedule monopolised by a handful of presenters.

Can licensees have presenters' agreements?

Some licensees require their presenters to sign an agreement before they can go on air. Licensees that require their presenters to sign agreements should ensure the agreements do not prevent the community from having reasonable access to program provision. Presenters' agreements should not prohibit presenter involvement with other community groups or require presenters to undertake expensive training before they can go on air.

It is a good idea for licensees to consult their membership when they develop presenters' agreements.

Can licensees make changes affecting presenters?

Licensees are able to make programming decisions that affect presenters or program providers, by reducing their airtime or cancelling a program.

Licensees that reduce or remove a presenter's airtime should:

- have a valid reason for making the change to the program schedule (for example, to incorporate a new program for which there is a demonstrated community need);
- have a procedure for making changes to the program schedule and follow that procedure; and
- where possible, make reasonable efforts to identify and offer alternative arrangements to the affected presenter or program provider.

6.4 CAN LICENSEES CHARGE FOR AIRTIME?

Sale of airtime is one legitimate way to encourage community participation by giving individuals or groups an opportunity to contribute to the program schedule. However, it is important to keep in mind that a condition of community broadcasting licences is that licensees must not be operated for profit or as part of a profit-making enterprise.⁵ Also, licensees remain legally responsible for all material that goes to air.

Licensees can charge for airtime as long as airtime fees are reasonable and the procedure for deciding access to airtime is fair and transparent. Licensees that sell airtime are advised to:

- use a transparent method to determine airtime fees;
- charge a reasonable rate for airtime, with concessional rates for certain individuals (for example, pensioners and students);
- apply airtime fees fairly and consistently;
- ensure the service is not operated for profit or as part of a profit-making enterprise; and
- monitor their program schedule to ensure it continues to reflect the needs of the service's community.

Community radio

The Act does not specifically provide for the sale of airtime on community radio. However, the sale of airtime on community radio is a legitimate method for ensuring community involvement as long as the sale of airtime is consistent with licence conditions (for example, the community participation and community representation requirements and the requirement that the service not be operated for profit or as part of a profit-making enterprise) and the community purpose of the service.

Community groups (for people from a particular ethnic or cultural background, for example) may participate in a service by purchasing airtime to provide programs to ensure their needs are adequately met.

Community television

The Act permits community television broadcasters to sell airtime but places limits on the amount of airtime that can be sold.⁶ These limits are to ensure community television licensees do not operate their services for profit or as part of a profit-making enterprise.

Community television licensees must not sell:

- more than two hours of airtime in any day to a person who operates a business for profit or as part of a profit-making enterprise; and/or
- a combined total of more than eight hours of airtime in any day to people who operate businesses for profit or as part of a profit-making enterprise.

Further information The ACMA's [Community Broadcasting Sponsorship Guidelines 2008](#)

⁵ Clause 9(2)(e) of Schedule 2 to the Act.

⁶ Section 87A of the Act.

7. Complying with the community representation requirement

Licensees must continue to represent the community interest they represented at the time their licence was allocated or last renewed.

In the ACMA's experience, licensees that continue to represent their community interest have appropriate organisational structures, regularly review the needs of the communities they serve, and have diverse program schedules which reflect the needs of the communities they serve.

7.1 WHAT IS AN APPROPRIATE ORGANISATIONAL STRUCTURE FOR A LICENSEE?

Community radio

Code 1.1 of the radio codes of practice states:

Each community radio station will be controlled and operated by an independent body that represents its community interest.

Under the Act, a community radio licensee must be a company, which includes an incorporated association.⁷ Community radio licensees are usually incorporated associations, but are occasionally registered as cooperatives or companies limited by guarantee.

The ACMA prefers community radio licensees to be incorporated associations or companies limited by guarantee, as organisations structured in this way are more likely to have:

- objects that are appropriate to community broadcasting services, for example, express objects of representing the community interest and being for community purposes;
- membership and other rules that facilitate access and participation by the entire community interest; and
- membership that is open to the wider community in the licence area or, in the case of services licensed to serve a specific community interest, people who identify with the particular community interest.

In the ACMA's view, licensees would generally represent a broader range of community needs if they provide for at least one board position to be openly available, for example, to a staff representative or a volunteer representative.

⁷ See section 80(1)(a), section 92C(1) and section 79 of the Act.

Community television

The Act requires community television licensees to be companies limited by guarantee under the *Corporations Act 2001*.⁸

Code 1.3 of the television codes of practice states:

Community televisions ... stations will ... be controlled and operated by an autonomous body, which is representative of the community interest in the service area.

Community television licensees should refer to Australian Securities and Investments Commission guidelines on requirements for companies limited by guarantee before drafting, amending or adopting a constitution or replaceable rules.

Further information [Australian Securities and Investments Commission](#) website

7.2 HOW CAN LICENSEES IDENTIFY COMMUNITY NEEDS?

Licensees should regularly identify and review the needs of their community and adjust their service to reflect the evolving needs of that community.

Licensees commonly identify the needs of their communities using one or more of these methods:

- surveys, questionnaires and online polling;
- suggestions boxes;
- focus groups;
- audience and community feedback through letters, electronic communications (SMS or email, for example) and a station website;
- audience requests;
- discussions with community groups and representatives; and/or
- analysing census data for the licence area.

Licensees can identify community needs themselves (through, for example, suggestion boxes, online surveys or questionnaires) or can engage a consultant to do this on their behalf.

In identifying community needs, licensees should ensure that they:

- canvas the needs and expectations of people in the community within their licence areas, not just their audiences or members and volunteers who are already actively involved with the station;
- encourage suggestions for improvements to their service;
- design questions to elicit full and honest responses; and
- identify whether respondents reside in the licence area or have some other connection to the licence area (for example, work or study in the licence area).

⁸ Section 79 and section 92C(1) of the Act.

Note that sole reliance on a feedback telephone line and/or requests from listeners to demonstrate community need does not represent proactive action on the part of a licensee in ascertaining the needs of the community it is licensed to serve.

During the licence renewal process, the ACMA generally asks licensees for information about:

- the steps taken to identify community needs and monitor community expectations;
- the methodology used; and
- the changes made to the licensee's operations or programming as a result.

Radio example

Radio 2JAL uses its annual membership drive as an opportunity to gain feedback on its programming from its community.

During the membership drive, 2JAL mails a questionnaire to existing members. 2JAL also posts the questionnaire on its website, with an invitation to listeners and the general community to complete and return the questionnaire.

The questionnaire asks for program preferences, feedback on the current program line-up, suggestions for new programs, and demographic information (for example, age, occupation and gender).

Result: 2JAL has made appropriate efforts to identify the programming needs of its community. This helped 2JAL to demonstrate that it continues to represent its community interest.

Television example

CTV 08 surveys its 3000 subscribers each year. The survey is available online and also from local stores and cafes.

At the same time, CTV 08 engages a researcher to independently survey its audience.

CTV 08 uses the results of both surveys to make its service more responsive to its community. For example, CTV 08's program committee uses the survey results to modify its program schedule.

Result: CTV 08 is continuing to represent its community interest.

Further information Management tools > Audience research on CBA's website at www.cbaa.org.au

7.3 ACHIEVING A DIVERSE AND REPRESENTATIVE PROGRAM SCHEDULE

Licensees can often demonstrate a commitment to representing their community interest by broadcasting a range of programming that caters for the community's needs.

In order to ensure appropriate program diversity, licensees should:

- understand the profile of the community they are licensed to serve, for example, the linguistic diversity of a geographically-based community interest;
- identify and review their community interest's programming preferences on a regular basis;
- have clear policies and procedures for deciding the type and mix of programs; and
- foster ties with relevant community groups and encourage their input into the program schedule.

Radio example

Radio GEN's community interest is the general geographic area of its licence, which is home to a large number of migrant groups.

Radio GEN has a community outreach strategy, which involves regular dialogue with representatives of each language group in the licence area. This includes inviting representatives to all board and committee meetings.

Result: Radio GEN is continuing to represent its community interest.

7.4 EXAMPLES OF WAYS TO REPRESENT THE COMMUNITY INTEREST

- | | |
|--|---|
| Have an express commitment to representing the community interest | <ul style="list-style-type: none">▪ Include representing the community interest as an object in the constitution.▪ Clearly identify the community interest on the station's website. |
| Provide a diversity of responsive programming | <ul style="list-style-type: none">▪ Identify community needs and programming preferences on a regular and ongoing basis.▪ Have a varied and representative program schedule.▪ Have and apply policies and procedures for deciding the type and mix of programs. |
| Encourage community involvement | <ul style="list-style-type: none">▪ Establish and maintain links to relevant community groups.▪ Allow community organisations to have input into the program schedule.▪ Be active in the local community (for example, conduct outside broadcasts at local events).▪ Have an open membership policy which does not exclude any member of the community.▪ Ensure decision-making processes are clear and understood.▪ Allow a cross-section of the community, rather than a few individuals, to make decisions. |
| Promote the service to the community | <ul style="list-style-type: none">▪ Attract audience from the community.▪ Target the wider community, not only a particular section of it.▪ Draw membership from people in the licence area who identify with the specific community interest or from people in the licence area generally (general community interest). |
| Cover local events and issues | <ul style="list-style-type: none">▪ Incorporate coverage of local events, news and information in broadcasts.▪ Report on and analyse local issues. |

Radio example

Radio OUT is licensed to serve the general community of the XY licence area. Sixty-six per cent of Radio OUT's members live outside the XY licence area, although some of these members work in the XY licence area.

Meeting minutes show that although members are involved in decision-making, the interests of the community in the XY licence area are not a paramount consideration in decision-making.

Result: Radio OUT is not representing the community interest that it represented at the time its licence was allocated or last renewed.

Radio example

Radio UNI is a community radio broadcaster with an educational community interest.

Radio UNI:

- has many educational or training institutions, and their students, as members;
- has members participating in decision-making by sitting on the board and committees;
- has formal links with educational or training institutions, and their students, including provision of training; and
- is a recognised training provider and delivers training in excess of what is normally expected of community broadcasters.

Result: Radio UNI is continuing to represent its community interest. Although Radio UNI's program schedule contains limited programming of an educational nature, it has adopted a series of measures which ensure that it continues to represent the educational community interest.

Community television

The greater expense of providing community television means that community television licensees need formal and stable governance structures to attract the high levels of funding they require to operate their services.

Community television licensees often adopt a consortium governance model based on organisational rather than individual membership, separation of programming from financial and operational responsibilities, and clear operational responsibility for selling sponsorship and airtime and for day-to-day running of the station.

Community television services with consortium governance models provide scope for individual participation through:

- membership of not-for-profit community or educational organisations which are members of the community television service;
- volunteering at the community television service;
- invitations for and consideration of program proposals from individual and/or organisational members and volunteers; and
- individual and/or organisational representation on committees.

7.5 CAN LICENSEES CHANGE THEIR COMMUNITY INTEREST?

Licensees (or applicants for a licence) must nominate a community interest when they apply for a licence, or when they renew their licence.

Licensees must continue to represent the community interest they represented at the time of allocation or last renewal. The Act recognises that communities may change and, when this happens, that it may be appropriate for licensees to evolve with their communities.

Licensees may apply to change their community interest. However, they may only apply to change their community interest when submitting applications for licence renewal.

Applicants for new community broadcasting licences, whether temporary or long-term, must nominate a community interest when applying for a licence.

Further information The ACMA's [Guidelines for requests for a change of community interest](#)
The ACMA's [Temporary community broadcasting guidelines 2009](#)

8. Further information

The ACMA hopes that those who are involved in community broadcasting find these advisory guidelines useful in explaining the community participation and community representation requirements.

These are the first advisory guidelines issued by the ACMA on these requirements. The ACMA will periodically update and re-issue these advisory guidelines to keep them relevant to services.

Further information on community broadcasting is available from the ACMA's website at www.acma.gov.au.

For queries about these advisory guidelines, contact the ACMA's Community Broadcasting Group at communitybroadcasting@acma.gov.au.

Appendix A: List of terms

Note: Words which are used in these advisory guidelines and are also defined in the *Broadcasting Services Act 1992* (the Act) have the same meaning as in the Act. All other words which are used in these advisory guidelines but are not in this list of terms take their usual dictionary meaning.

| Term | Explanation |
|--------------------------------------|---|
| The ACMA | The Australian Communications and Media Authority |
| the Act | the <i>Broadcasting Services Act 1992</i> |
| airtime fee | A charge imposed by a broadcaster on individuals and groups for access to airtime. Also known as airtime access fees, broadcaster fees, paid airtime or user group fees. |
| community participation requirement | The licence condition requirement for community broadcasting licensees to encourage members of the communities they serve to participate in the operations of the service and in the selection and provision of programs under the licence. |
| community representation requirement | The licence condition requirement for community broadcasting licensees to continue to represent the community interests they represented at the time their licence was allocated or last renewed. |
| guidelines | <i>Community Broadcasting Participation Guidelines 2010</i> |
| licensee | Holder of a community radio broadcasting licence, temporary community radio broadcasting licence, or community television broadcasting licence. |
| member | A person or group accepted as a financial member of a service's association with voting rights under the service's constitution. |
| radio codes of practice | <i>Community Radio Broadcasting Codes of Practice 2008</i> or any replacement code of practice included by the ACMA in the register of codes of practice under section 123(4) of the Act. |
| service | A community broadcasting service as defined by section 15 of the Act, including a community radio broadcasting service, a temporary community radio broadcasting service, and a community television broadcasting service. |

| | |
|------------------------------|---|
| subscriber | A person or group who makes a financial contribution to a service in return for some benefits (for example, subscriber discounts and newsletter) but is not a member of the service and does not have voting rights under the constitution. |
| television codes of practice | <i>Community television code of practice</i> or any replacement code of practice included by the ACMA in the register of codes of practice under section 123(4) of the Act. |
| volunteer | A person who performs services for a broadcaster without receiving payment. Many broadcasters require their volunteers to also be members. |

Appendix B: Extracts from the *Broadcasting Services Act 1992*

Please note:

- this section contains only extracts from the Act and does not reflect all the obligations of community broadcasting licensees; and
- if in doubt about their legal obligations, licensees should seek independent legal advice.

Part 2—Categories of broadcasting services

15 Community broadcasting services

Community broadcasting services are broadcasting services that:

- (a) are provided for community purposes; and
- (b) are not operated for profit or as part of a profit-making enterprise; and
- (c) that provide programs that:
 - (i) are able to be received by commonly available equipment; and
 - (ii) are made available free to the general public; and
- (d) comply with any determinations or clarifications under section 19 in relation to community broadcasting services.

Part 6—Community broadcasting licences

79 Interpretation

In this Part, *company* includes an incorporated association.

81 When licences must not be allocated

- (1) A licence is not to be allocated to an applicant if:
 - (a) in the case of an applicant for a CTV licence—the applicant is not a company limited by guarantee within the meaning of the *Corporations Act 2001*; or[...]

84 Allocation of community broadcasting licences

- [...]
- (2) In deciding whether to allocate a community broadcasting licence that is a broadcasting services bands licence to an applicant or to one of a group of applicants, the ACMA is to have regard to:
 - (a) the extent to which the proposed service or services would meet the existing and perceived future needs of the community within the licence area of the proposed licence; and
 - (b) the nature and diversity of the interests of that community; and
 - (c) the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area; and

- (d) the capacity of the applicant to provide the proposed service or services; and
- (e) the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area; and
- (f) the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence.

87A Additional conditions on CTV licences

Policy underlying additional conditions

- (1) It is the intention of the Parliament that services provided under CTV licences be regulated in a manner that causes them not to operate in the same way as commercial television broadcasting services.

Conditions relating to sale of access to air-time

- (2) Each CTV licence is subject to the condition that the licensee must not sell access to more than 2 hours of air-time in any day to a particular person who operates a business for profit or as part of a profit-making enterprise, unless the person is a company that has a sole or dominant purpose of assisting a person in education or learning.
- (3) Each CTV licence is subject to the condition that the licensee must not sell access to a combined total of more than 8 hours of air-time in any day to people who operate businesses for profit or as part of profit-making enterprises.
- (4) Each CTV licence is subject to the condition that the licensee must not sell access to more than 8 hours of air-time in any day to a particular person.
- (5) For the purposes of the conditions imposed by subsections (2), (3) and (4), the sale of access to air-time to any of the following is taken to be the sale of access to air-time to a company:
 - (a) the sale of access to air-time to any person in a position to exercise control of the company;
 - (b) the sale of access to air-time to any related body corporate (within the meaning of the *Corporations Act 2001*) of the company.
- (6) The ACMA may, by written determination, impose other conditions on all CTV licences relating to sale of access to air-time.

Conditions relating to other matters

- (7) The ACMA may, by written determination, impose other conditions on all CTV licences, including, but not limited to, conditions relating to:
 - (a) community access to air-time; or
 - (b) the governance of CTV licensees (including conditions relating to provisions that the constitution of the licensee must at all times contain); or
 - (c) the provision of annual reports to the ACMA and the form in which they are to be provided.

[...]

Definitions

- (12) In this section:

access, in relation to air-time, means the right to select or provide programs to be broadcast during the air-time.

air-time means time available for broadcasting programs on a community broadcasting service.

sell, in relation to access to air-time, means enter into any arrangement under which a person receives any consideration in cash or in kind in relation to provision of the access to air-time.

92C Applicants for temporary community broadcasting licences

- (1) The ACMA is not to allocate a temporary community broadcasting licence to an applicant unless the applicant:
 - (a) is a company that is formed in Australia or in an external Territory; and
 - (b) represents a community interest.
- (2) The ACMA is not to allocate a licence to an applicant if the ACMA decides that subsection 92D(2) applies to the applicant in relation to the licence. However, the ACMA is not required to consider the application of subsection 92D(2) to the applicant before allocating the licence.
- (3) The ACMA may refuse to allocate a licence to an applicant if the applicant was a temporary community broadcasting licensee for a period but did not provide community broadcasting services in that period. This subsection does not limit the ACMA's discretion to refuse to allocate a licence.

Schedule 2—Standard conditions

Part 5—Community broadcasting licences

9 Conditions applicable to services provided under community broadcasting licences

[...]

- (2) Each community broadcasting licence is also subject to the following conditions:
 - (a) the licensee will remain a suitable licensee;
 - (b) the licensee will continue to represent the community interest that it represented at the time when the licence was allocated or was last renewed;
 - (c) the licensee will encourage members of the community that it serves to participate in:
 - (i) the operations of the licensee in providing the service or services; and
 - (ii) the selection and provision of programs under the licence;
 - (d) the licensee will provide the service or services for community purposes;
 - (e) the licensee will not operate the service or services for profit or as part of a profit-making enterprise.

[...]