



## 2GLA, Forster

### Sponsorship announcements, community radio station

#### Complaint

In January 1998 the ABA received an unresolved complaint in relation to community radio station 2GLA Forster, New South Wales. The complainant alleged that certain sponsorship announcements broadcast by that station were not acknowledging the financial support of that sponsor as required by the Broadcasting Services Act.

#### Relevant legislation

Under clause 9(1)(b) of Schedule 2 of the Act, a community broadcasting licensee is not permitted to broadcast advertisements.

Clause 2(2) of Schedule 2 of the Act states, in part, that:

(2) For the purposes of this Schedule the broadcasting by a community broadcasting licensee of:

(b) a sponsorship announcement that acknowledges financial support by a person of the licensee, whether or not the announcement:

- (i) specifies the name and address of, and a description of the general nature of any business or undertaking carried on by the person; or
- (ii) promotes activities, events, products, services or programs of the person; or

is not taken to be the broadcasting of an advertisement.

#### Decision

From tapes supplied to the ABA it was apparent that 2GLA was often acknowledging the financial support of their sponsors at the end of a 'block' of announcements rather than as part of each individual announcement. The ABA decided that this format was not consistent with the exemption at clause 2(2) of Schedule 2 of the Act. Such announcements would therefore be categorised as advertisements and consequently the licensee of 2GLA, Great Lakes Area FM Community Radio Limited, had breached a condition of its community broadcasting licence by broadcasting these announcements.

#### Action taken

2GLA informed the ABA that 'everything will be done to make sure that something like this will not be repeated' and that relevant staff are now fully aware of the difference between an advertisement and a sponsorship announcement.

As a result of this response and the fact that this was the first time that the licensee of 2GLA had been found to be in breach of the condition of its licence relating to advertisements, the ABA decided not to take the matter further at this stage. However, the licensee was placed on notice that more serious steps may be taken by the ABA should further similar breaches occur.

#### The codes

Commercial television, commercial radio, community radio, narrowcasters, the ABC and SBS all operate under codes of practice. Subscription broadcasters are well advanced in the development of their code. The ABA supervises the operation of the codes and acts as an independent adjudicator when complaints are not resolved between the complainant and the broadcaster concerned.

Primary responsibility for compliance with the codes and for resolving complaints rests with the broadcasters. If a station does not answer a complaints within 60 days, or if the complainant considers the response to be unsatisfactory, the complaint can be referred to the ABA for investigation.

#### Investigations

The ABA is required to investigate unresolved complaints and to inform complainants of the results of investigations. The ABA can investigate complaints about the national broadcasters, the ABC and SBS.

The ABA can also investigate complaints about matters relating to the standards for children's television or Australian content on commercial television, the standards for subscription broadcasting, and complaints about any type of broadcasting service when the complaint relates to a possible breach of the Act or conditions of licence.

The ABA has a range of sanctions available to it if there is a breach of a code of practice, program standard or licence condition. Any action taken depends on the seriousness of the breach.