

Community broadcasting sponsorship guidelines released for comment

ACMA has reviewed the community broadcasting sponsorship guidelines and has now released draft revised guidelines for industry comment. In an environment where the sector is testing new business models to improve its viability, the industry has been looking to ACMA to provide greater clarity and guidance.

Based on an analysis of ACMA investigations into community broadcasting issues in the five years from 2002–03 to 2006–07, it was evident that the main areas of concern include the following:

- what constitutes an advertisement
- what constitutes a sponsorship announcement and should therefore be included in the calculation of the five-minute limit for radio or seven-minute limit for television
- material that may be an accidental or incidental accompaniment to the broadcast of other matter and therefore not considered an advertisement
- what constitutes a promotion of a licensee's service or a program
- material broadcast as part of a program that may be considered advertising and

- a licensee's responsibility for material broadcast despite having sold air time, including sponsorship slots, to programs providers.

These areas have specifically been addressed in revising the sponsorship guidelines, which provide a more detailed document to better meet their needs.

Under the *Broadcasting Services Act 1992*, all community broadcasting licensees are subject to a licence condition that prevents them from broadcasting advertisements. However, community broadcasting licensees may broadcast a range of announcements and other promotional material that are not classified as advertising under the Act.

Understanding the difference between permitted promotional material and advertisements is important for community broadcasters because failure to comply is a breach of a licence condition, with the possibility of serious penalties including licence suspension and cancellation.

ACMA is reviewing the *Guidelines for broadcasting sponsorship announcements and other*

promotional material on community radio and community television, which came into effect in 2003.

Analysis of investigations into licensees' compliance with the condition showed that the guidelines required revision if they were to continue to be of assistance to licensees.

Based on feedback from industry, ACMA has considered the following in revising the guidelines:

- limiting the use of legal terminology
- including more examples, using completed investigations as a point of reference
- in the structure of the document, reflecting the approach that a community broadcaster would take in considering material for broadcast and
- explaining how a complaint about advertising would normally be assessed, including ordinary English meanings of words used and an ordinary reasonable viewer/listener's perception of the material broadcast.

It is not possible for one set of guidelines to capture all potential scenarios. Information about a range

of matters is already available. For example, information about complaints and investigations is on ACMA's website and in the brochure on the complaints process, as well as in the community codes on the ACMA and CBAA websites.

The guidelines are advisory only and are designed to help licensees to improve their practices. They do not replace the requirements of the Broadcasting Services Act. If in doubt, licensees should seek independent legal advice on the application of the Act to particular situations.

Comments should be marked 'Community Sponsorship Guidelines' and sent to the Manager, Investigations Section, Australian Communications and Media Authority, PO Box Q500, Queen Victoria Building NSW 1230, by fax to (02) 9334 7799 or by email to broadcasting@acma.gov.au. Comments close on 1 March 2008.

The draft community broadcasting sponsorship guidelines are on the ACMA website at www.acma.gov.au.

Temporary community broadcasting licences allocated, November 2007

State	Licence area	Licensee	Community served	Frequency	Start	Finish	Allocated
Vic	Bendigo RA2	Goldfields Community Radio Co-operative Ltd #	General	89.5 MHz	13/11/07	12/5/08	8/11/07
Vic	Bendigo RA2	Central Victorian Community Broadcasters Inc #	General	89.5 MHz	7/1/08	21/1/08	8/11/07
Vic	Wodonga RA1	Albury Wodonga Christian Broadcasters Inc.	Christian	100.7 MHz	21/11/07	20/5/08	16/11/07
NSW	Gosford RA1	Coast Community Broadcasters Inc	Country and sport	94.1 MHz	22/11/07	21/5/08	21/11/07

operating under a time-share arrangement