



The National Ethnic and Multicultural Broadcasters' Council

Submission to ACMA

Community Participation Guidelines for Community Broadcasting Services

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INTRODUCTION

Thank you for the opportunity to make a submission to ACMA in relation to the Community Participation Guidelines for community broadcasting services. The proposed document certainly addresses issues in detail and is very comprehensive. While it is a large document the NEMBC believes it is important to keep most of the information as it is valuable and provides a thorough breakdown of the issues regarding community participation.

Rather than minimising the document the NEMBC suggests that a three or four page summary be inserted at the start of the document and that a larger back section keep much of what is in the present document and provide further details, specific examples and models.

So rather than contracting the document the NEMBC believes that there needs to be additional points made in the document. The NEMBC also believes that more explanation needs to be given to ethnic issues in regard to the definition of an ethnic community and, more importantly, understanding some of the membership and programming issues at full-time ethnic stations and access stations with ethnic programs.

In ethnic community broadcasting members are affiliated or associated with a specific ethnic community (and/or language). Airtime is given to a program representative of that community and not to individual broadcasters. Ethnic broadcasting has a compact with communities to maintain and promote culture and language. These elements are significant criteria for community participation, accountability and government funding through the Community Broadcasting Foundation (CBF).

The structure of full time ethnic stations is complex, but maintains democratic principles and works to ensure community participation. For example, in 3ZZZ the structure is based heavily on community. A person can be a member of 3ZZZ only if s/he identifies with a specific ethnic community and has been accepted as a member by that community. Once a member, all members are equal and each has one vote at an AGM and one vote for the election of the Management Committee (Board of Directors).

When it comes to day-to-day, week-to-week program content it is the program group that is in charge. Each program group elects its own committee, headed by a Convenor. This group's committee determines program content and style. Thus within the overall structure determined by the Board and management each program group is self-governing. The group (individuals) are synonymous with the language program.

As a suggestion, the document has descriptive (rather than prescriptive) accounts of how some educational radio stations and community TV stations

work; perhaps the document could have some descriptions in the guidelines of how some full-time ethnic stations work. Models could be shown, as has already been provided for in the document. Unfortunately the NEMBC is not able to provide the details of these models as this would require further consultation and research. However if the ACMA, in drafting the next document, was to consider this submission request as important then the NEMBC could provide the information early in 2010 and this could be part of the more informative back section of the document.

Thank you again for the opportunity for input at this late stage. More detailed input is explained below.

GENERAL SUBMISSION

Please find below recommendations and comments on the document. Each section is addressed separately.

- **Introduction Page 1 the last paragraph**

It may be good to provide the names of all the peak councils for ethnic broadcasters or Indigenous broadcasters, as this would be more comprehensive and represent the whole industry sector.

- **Page 1, Paragraph 6 beginning “As community radio and community television have different operation environments...”**

While it is true that there are significant difference between community radio and television, there are also differences within radio. For example, some radio stations have organisations rather than individuals as members, just as some community TV stations do. Some radio stations, e.g. 3ZZZ, while they have individuals as members, also give rights and responsibilities to members of particular program groups. Such stations have quite a complex and sophisticated structure, which could be considered in this document.

- **Page 2, Restrictions on membership should be reasonable.**

Perhaps this point needs further clarification. For example: Is religious belief a reasonable restriction? If so, is political persuasion also reasonable?

- **Page 2, Key Points 4 and 8 possible repetition**

Key point 8 refers to a broad range of initiatives. So does key point 4. There seems to be a repetition of these two points? Perhaps it's not necessary to have point 8, as all of this is mentioned in point 4.

- **Page 3. What is a community?**

In the early days of community radio there was a tendency to equate “community” with a geographic area. It is important to recognise, as the document does, that a community can be a group of people with a special

interest in common, e.g. Culture, Ethnicity, Jazz or football or protecting the environment.

3.2 The heading “general community interest” would be more specific and have greater clarity if there were more emphasis on “geography based” or “locality based” or “regional” community.

Furthermore, for ethnic broadcasting it is true that the ethnicity is important but each community is defined by the language. Perhaps ‘share a language’ could be added.

- **Page 4. Examples**

Under examples, it could be helpful to add to the list “Issues – e.g. the environment”.

- **Page 4. Community Television**

There are cities in the world where there is more than one community TV station. As technology changes it may be likely that legal restrictions, rather than economic circumstances, will restrict the growth of community TV.

- **Page 5.**

The example of 4ZEE raises some issues. It is widely believed that popular music is of interest to most young people – that is why it is popular. In this example, would the station have satisfied ACMA if it had stated in its licence application that it was to be primarily a music station playing mainstream popular music of interest to young people? Alternatively, would it have satisfied the ACMA if it had in its licence application indicated that it would play only classical music? If it would not have satisfied ACMA, how would the various MBS stations now fare?

- **Page 6. The third paragraph beginning “our station will make sure”**

Would a hypothetical station which had been awarded a licence on the basis that its community of interest was people concerned about protecting the environment from global warming be in breach if they declined to allow committed climate change sceptics to participate?

Similarly, would a station which had been granted a licence based on the fact that it had a Christian outlook be in breach if it did not allow regular participation from strongly assertive atheists?

- **Page 6**

Why are the Code requirements of community radio so much more stringent than those for community TV – particularly as suggested earlier that TV spectrum is the scarcer resource?

- **Page 7. Time limits**

Mention is made of the desirability of time limits for board members. Is this to apply to television as well as radio? In the situation of television stations where board members are appointed by a government body or an educational institution, would the same limits apply?

- **Page 7 under corporate governance.**

Mention is made of legislation relating to incorporated associations. However a number of community stations are Companies Limited by Guarantee, and we also understand that Community TV stations are required to be Companies Limited by Guarantee.

The CBAA Model Rules, while they are a useful guide, do not sit easily with the Company Limited by Guarantee structure. It may be that Community TV stations may not be compliant with this template.

- **Page 9.**

Presumably issues relating to rejection of membership or expulsion of members would also apply to Community TV (e.g. the expulsion of Slice TV from the Sydney station).

- **Page 9 last paragraph Membership being an individual, group, consortium or a program.**

Mention is made that “Community television services often adopt a consortium model of organizational membership; rather than individual membership”. This is also very true of the full-time ethnic stations, where an individual member is synonymous with a program group. Individuals of course exist within the program, but if the program doesn’t exist then neither does the individual or group that is associated with the language program. It is recommended that the document describe the different ideas associated with being a member, such as the consortium approach adopted by TV and the program group approach associated with ethnic broadcasting. This is important to define because the ethnic full-time stations rely on the language program being not just an individual but an organisational group within the radio station that has connections with its community—this could be as much as 10 to 60 individuals associated with one language program.

- **Page 12.**

The requirements for “community” stations operated by educational institutions appear to be less onerous than those operated by community groups. This is unusual because the stations operated by educational institutions often have much greater resources. Having one or two “community representatives”, who are not even elected by the community, on a board dominated by employees of

an educational institution is not consistent with the rigorous demands made on community based stations.

Compared to the stringent requirements imposed on community based stations, the vague requirement for educational stations “to be responsive to expressions of interest” has little force.

- **Page 12 Community Television**

In contrast to the guidelines for community radio, which are largely prescriptive (e.g. “licensees must”, “restrictions should”), the guidelines for community television are largely descriptive (“licenceses often have advisory committees”, “licenceses often develop training programs”)

Having noted that community television is much more costly than community radio, the guidelines appear to be much less rigorous for community television.

There is mention that community TV stations often have community representatives on management committees. However:

- There is no requirement that they do so.
- There is no mechanism proposed.
- There is no requirement for a majority or even a certain proportion of community representatives.

There is mention that community TV stations may establish community engagement committees. However

- There is no requirement to do so.
- There is no description of how they might work.

It is noted that community television stations may have advisory committees. However:

- There is no requirement to establish such committees
- There is no description of how members would be appointed.
- There is no requirement for the election of members.
- There is no comment on what would happen if their advice is rejected.

The guidelines comment that community TV stations often hold regular meetings with “station participants” (presumably unpaid volunteers) but there is no requirement to do so and no requirement to take notice of their suggestions.

- **Page 13 Subscribers**

Subscribers may need to be defined more strongly. They pay money (often substantial sums) and receive a “range of benefits” but have rights that appear to be limited to:

- Giving feedback on programs
- Regularly participating in surveys

While there is a requirement under the radio guidelines for memberships to be affordable, there appears to be no such requirement for subscriptions, which anecdotal evidence would suggest are often more expensive than memberships.

The question is: can stations that have a large number of subscribers, but a very restricted number of actual members with full membership rights, really claim to be community stations?

- **Page 27 Community TV**

Once again the language on the first half of page 27 is descriptive rather than prescriptive. It describes the way in which some community TV stations work, but makes no clear prescriptions.

Throughout the whole document it appears that the community has few rights to participate in community television and that the avenues for participation are largely:

- To pay an annual subscription fee.
- To make program suggestions with no guarantee that they will be accepted.
- To apply for permission to work as an unpaid volunteer.
- To seek appointment to an advisory committee.
- To pay for a training course.
- To apply for membership of one of the organisations which make up the consortium which holds the licence. Not all members of the community being served will necessarily be eligible for membership of any of these organisations.

Conclusion:

This is a very comprehensive document and most of the information included in the draft guidelines should be retained. A summary document could accompany the guidelines should the ACMA wish to make a more concise document. The NEMBC would be pleased to provide input to the revised document in the New Year.