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Manager
Investigations Section
Australian Communications & Media Authority
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Dear Manager

Community Sponsorship Guidelines

Free TV Australia (**Free TV**) is the peak industry body representing all of Australia's commercial free-to-air television licensees.

We thank you for the opportunity to comment on the proposed new "Sponsorship Guidelines for Community Broadcasting Services" (**the new Guidelines**). We note the guidelines are intended to replace existing guidelines issued by the Australian Broadcasting Authority in 2003 (**the existing guidelines**).

As ACMA has noted, it is essential that community broadcasters are able to distinguish between permitted promotional material and material that constitutes an advertisement. This distinction is central to community broadcasters' compliance with important licence conditions imposed under the Broadcasting Services Act that prohibit the broadcast of advertisements on community television and restrict the broadcast of sponsorship announcements.

These licence conditions are fundamental to the regulatory framework underpinning community television. It is important they are observed by community broadcasting licensees.

Free TV supports the objectives and overall structure of the new guidelines. They will provide greater clarity and certainty as the sector seeks to enhance its viability. We have set out below some minor changes that we consider necessary to the drafting.

1. 'Discussions with subject matter experts'

In section 2.2.1, the new Guidelines deal with 'Discussions with subject matter experts'.

Similar to the existing guidelines, the new guidelines make the point that such discussions must remain general in nature and must not turn into promotion of a particular product, service or organisation.

The new guidelines do not make the point that is appropriately made in the existing guidelines that the risk of a program segment being characterised as an advertisement in these

circumstances is greater where the licensee has some form of financial arrangement with the expert being interviewed.¹

This is an important matter for licensees to be aware of and should be included in the new Guidelines.

The same guidance should be provided in section 2.2.2.

2. 'Matter that is an accidental accompaniment'

In section 1.1, the new Guidelines deal with 'Matter that is an accidental accompaniment'.

Below the box containing the Macquarie Dictionary definition of 'accidental' the following appears:

"Advertising material may be an 'accidental accompaniment' to the broadcast of other matter only if it was broadcast by the licensee:


- by mere chance, or
- casually, without being planned.

Advertising material will only be an 'accidental accompaniment' to the broadcast of other matter if it was broadcast by the licensee by mere chance or casually without being planned. If the broadcast of the advertising material is deliberate, or due to some arrangement or understanding, it would not be accidental."

It would appear that either the first or second phrasing would apply but not both. If the first phrasing is preferred, it should be amended to include "If the broadcast of the advertising material is deliberate, or due to some arrangement or understanding, it would not be accidental".

Thank you for your consideration of our submission.

Yours sincerely



Julie Flynn
Chief Executive Officer

¹ See page 8 of the existing guidelines. Final sentence before heading "Other advertising material is not permitted"