

10 September 2021

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Email: hugh.clapin@acma.gov.au

Dear Hugh,

Re: Draft revised B66

The CBAA and the community radio sector, including our fellow peak bodies First Nations Media Australia, Christian Media & Arts Australia, RPH Australia and the National Ethnic and Multicultural Broadcasters' Council, are very pleased to provide feedback on the ACMA's proposed B66 form. We thank you for the opportunity and your willingness to work with the community broadcasting sector to improve the regulatory environment for over 450+ community radio licensees across the country.

The sector is encouraged by the ACMA's work to streamline its regulatory instruments. We recognise and are extremely supportive of the work that has gone into this updated form. The proposed B66 form will assist in reducing the administrative and regulatory burden for stations, enabling them to focus their efforts on producing and broadcasting content to their communities.

We are also supportive of the ACMA's intention to collect only essential information through the renewal process and request additional information from licensees as required.

To this end, we are broadly supportive of the proposed changes and put forward a few comments and suggested amendments, outlined by section below.

Section 1: Licensee details

We suggest the addition of a question asking for a generic station email address. Should the preferred contact move on from the organisation within the five-year licence period, a generic email contact may assist ACMA in distributing communications and licence renewal information. The CBAA is also well-placed to provide up-to-date contact details to the ACMA in the case that details are out of date, and we encourage ACMA to continue reaching out to us as needed.

Section 3: How is the service meeting the existing and perceived needs of the community in the licence area?

We support the proposed changes to Section 3. For additional clarity, we suggest an additional qualifier be added to 8.B:

- i.e. what does your station do that other radio services (e.g. ABC, SBS, commercial broadcasters) don't do in your area?

Section 4: To what extent does the service provide material of local significance?

We support the proposed changes to Section 4 as it is now much clearer, and the addition of the note will be helpful for licensees.

9.B

We support the clarifications made to 9.B. We question why, as an option in defining material of local significance, “specify whether it **relates** to the licence area”, is not included. Without that option, we are concerned that any quantifiable measure regarding “material of local significance” will not be a true reflection.

Data collection

The CBAA and the community broadcasting sector support First Nations Media Australia’s call for the inclusion of a standardised question at the end of 9.B “total hours of content produced by Aboriginal and Torres Strait Islander broadcasters” (making clear that this refers to one week’s worth of programming, as requested for in questions prior).

While CBAA does not want to overburden either the ACMA or licensees with collecting unnecessary data, we note that the licence renewal process is a rare opportunity to track the representation of Aboriginal and Torres Strait Islander broadcasters across community radio.

This data could feed into the Closing the Gap data-gathering processes to track media representation in an ongoing way, and as one of the few nationally standardised data points. CBAA would like to see this question extended to all broadcasters within the industry (narrowcasters, commercial, ABC and SBS) and shared with the National Indigenous Australians Agency (NIAA) and other relevant Government agencies as an indicator under Target 17 in the [National Agreement on Closing the Gap](#).

A qualifying note as to why the data is being collected (e.g., for the purposes of monitoring the Closing the Gap target) would help licensees understand why the question is being asked, making clear that it is not a licence condition.

We appreciate that this suggestion would need to be applied industry-wide, and the CBAA and FNMA would welcome the opportunity to discuss this with the ACMA, to consider the best mechanism to support data-collection regarding the National Agreement on Closing the Gap.

Section 5: Does the licensee have the capacity to continue to provide the service?

10.A.

It’s the CBAA’s strong recommendation, that where a licensee is a charity, the ACMA accesses their relevant information as needed through the [Australian Charities and Not-for-profits Commission’s \(ACNC\) Charity Passport](#). The ACNC Charity Passport enables authorised government agencies to access ACNC charity data to reduce red tape for charities.

The Charity Passport reduces the amount of information that charities must provide to different government agencies. This is in line with a ‘report once, use often’ reporting framework, consistent with the Australian Government’s deregulation agenda.

As such, for question 10.A and where relevant in the B66 form, as well as in other regulatory form amendments, the ACMA should ask the licensee if they are a charity registered with the ACNC. Where the licensee is registered as a charity, the ACMA will not require them to submit materials already lodged with the ACNC through its ACNC Charity Passport (e.g., current constitution or articles of association, most recent financial statements).

10.B.

We are appreciative of the ACMA’s efforts to streamline this question, particularly the removal of the requirement for licensees to submit a five-year budget. To further support compliance and best practice governance, we recommend adjusting 10.B to read:

- Does the licensee have a strategic plan (or similar)? (Yes/No)
- Now looking at that plan, in the next five years, what are the licensee’s objectives? What are the major challenges facing the licensee? How will the licensee prepare for these challenges?

This reinforces to the applicant the importance of strategic thinking, and that the “licensee’s objectives” should be drawn from an overarching organisational framework.

Section 5: Compliance with licence conditions and Community Radio Broadcasting Codes of Practice

11.A

We understand that asking for metrics in 11.A (re financial and volunteer numbers, and trends) is a helpful indicator for how a community radio station is engaging its community.

Member and volunteer numbers are two such indicators and look at the way a licensee encourages community participation internally. Building subscriber and donor support are another important way that licensees encourage members of the community to participate in providing the service, and different stations have different structures and approaches to encouraging community participation.

To provide a way to capture this, we suggest the addition of two questions:

- Number of subscribers/donors as at the date of application
- Number of subscribers/donors in the previous financial year

A broader scope for stations to articulate their community engagement and participation models would more clearly capture different station approaches.

While we don’t support increasing the number of questions in the B66 unnecessarily, it is the community broadcasting sector’s position that licensees should be able to demonstrate the participation of their community interest (and the related notion of engagement) in a greater variety of ways, referring, among other things, to:

- a) levels of support through both fundraising and volunteering,
- b) social media engagement,
- c) correspondence (letters, emails, texts, voicemail),
- d) listener surveys,
- e) audience (quantity) research,
- f) participation in community events,
- g) other relevant information.

11.B

We question why the ACMA needs to know if volunteers are required to be members, and whether this question provides necessary information to help assess a licence renewal application, and how this relates to the licence conditions.

11.C

11.C is seen as a significant improvement on the previous form, because it widens the options for a diverse range of governance and programming processes to be considered.

11.D

We support the intent of questions 11.D and 11.E as a potential indicator of community engagement and programming transparency. However, the proposed wording does raise some questions on the definition of a program proposal (formal or otherwise) and could subject aspirant presenters to written processes that might otherwise not be a barrier to getting on air. Program proposals can often be verbally discussed rather than written submissions, particularly where a licensed service is not presenting live and local content throughout the whole week.

This question potentially places a requirement on stations and future presenters that could prevent marginalised groups from accessing the airwaves – the very opposite of its intent. This empirical approach is also not in keeping with the narrative style of proposed reforms. There is a concern that reducing the answer to a number leads to arbitrary benchmarking by ACMA and not a genuine attempt to understand all factors that influence program participation and selection.

Instead, we suggest asking a question which speaks to the efforts stations are making to encourage new broadcasters to participate, over which they have greater control.

For example:

- 11.D How many individuals took part in either formal, informal, or mentored training at your station this year?
- 11.E How many new programs/regular presenters joined the station’s program grid in the past year?

11.H

The first dot point in 11.H asks for licensees to confirm that they have in place a “Corporate governance” policy. While we appreciate this is quoted directly from the Community Radio Broadcasting Codes of Practice, our work assisting stations to meet their requirements has indicated that at times, there is some confusion about what Code 1.2 refers to – in that, it refers not to a single policy, but rather, a suite of policies relating to organisational governance.

A clarifying note here would be helpful.

The CBAA is conscious of this confusion and is considering how to address this as part of the Codes of Practice review.

Section 6: Who is in a position to exercise control of the licence?

12

We understand the need for question 12 and its relation to the Act. Some greater clarity built into question 12 would help assist licensees, both in the way the sentence is structured, and also to acknowledge the definition of ‘person’ is quite complex as outlined in the Act.

Suggested amendment:

- Is any one person or organisation in a position to exercise control of:
 - more than one community broadcasting licence, that
 - is a broadcasting services bands licence, and
 - is also in the same licence area?

13

As per the above, our proposed amendment to question 13 would help clarify it for licensees:

- Is the Commonwealth, a State, or a Territory *Government*, or a political party, in a position to exercise control of the community broadcasting licence?

Conclusion

This submission has been endorsed by our fellow peak bodies, First Nations Media Australia, Christian Media & Arts Australia, RPH Australia and the National Ethnic and Multicultural Broadcasters’ Council.

We thank the ACMA for its engagement with the sector and work on updating the B66 form. We look forward to continuing our work together to enhance the impact of community radio licensees.

Sincerely,



Jon Bisset
Chief Executive Officer

