

**GUIDELINES FOR
PROGRAMMING DECISIONS
MADE BY
MELBOURNE COMMUNITY
TELEVISION CONSORTIUM LTD
(C31 MELBOURNE)**

July 2009

PROVISION OF PROGRAMS

Community broadcasters are granted licences by the Australian Communications and Media Authority (ACMA) under the conditions outlined in the Broadcasting Services Act 1992. One of the key conditions is that the licensee will encourage members of the community that it serves to participate in the operations of the licensee in providing the service, and the selection and provision of programs under the licence¹.

Melbourne Community Television Consortium Ltd has a structure whereby programming is predominantly drawn from community producers. Those producers decide what kinds of programs they wish to produce, and provide them to the station for transmission and scheduling. Scheduling decisions are made by Programming staff in accordance with the Programming Policy and Charter, as laid down by the members of Melbourne Community Television Consortium Ltd.

The Charter of Melbourne Community Television Consortium Ltd enshrines the principle of the station operating to facilitate the production of programming by individuals and groups within the community who would otherwise be denied access to television production and transmission². In particular, the station supports programming made by and for young people, women, indigenous people and people who are disabled³.

The station itself has limited powers to cause programs to be produced. To meet the requirements of the station's Charter, the station may initiate developmental and collaborative programming, on a formal process of calling for tenders from members and others to produce the program⁴.

The Community Television Code of Practice is developed by the Australian Community Television Alliance (ACTA) in association with community television licensees around Australia, and registered with ACMA.

The Code of Practice states that community television stations will aim to achieve the highest level of community oriented and diverse Australian programming, such that Australian originated programming will form a significant proportion of a station's programming, with each station aiming for the highest practicable level of Australian content. Programs which do not originate in Australia will be of relevance to identifiable communities of interest within a licensee's service area, and will be complementary to non-Australian programming available on other free-to-air services. Community television service providers will initiate or support the development and production of local and Australian programming where possible⁵.

Local programs are defined in the Code of Practice as programs generated from within the service area of the station, and *Australian originated programming* is defined as any program material created, produced or performed by a citizen or ordinary resident of Australia⁶.

¹ Broadcasting Services Act 1992, Schedule 2, Part 5, Clause 9(2)(c)

² Melbourne Community Television Consortium Ltd Charter, Appendix 1 of the company's constitution

³ Ibid.

⁴ Melbourne Community Television Consortium Ltd Programming Policy, Clause 10

⁵ CTV Code of Practice, Clauses 3.10-3.12

⁶ Ibid.

The process of getting a program on C31 starts with a producer submitting a written program proposal to the Programming Team⁷. The proposal will be assessed according to the provisions of the station's Constitution and Programming Policy (as outlined below in the section "Selection Of Programs").

Once the proposal has been accepted, the producer submits a broadcast quality pilot⁸. On the basis of the pilot being acceptable for broadcast, the program will then be allocated a timeslot.

Before the program is broadcast, the producer must sign a Program Broadcast Licence⁹. The Program Broadcast Licence is a legal contract between the producer and the station, and stipulates the terms on which the program will be broadcast. These include:

- The program's timeslot and duration
- Program delivery format and timelines
- Any fees charged to air the program (where applicable)
- Technical requirements of the program master
- A warranty from the producer that all copyright material contained in the program has been correctly licensed¹⁰

⁷ Melbourne Community Television Consortium Ltd Programming Policy, Clause 5.4(a)

⁸ Ibid.

⁹ Ibid, Clause 5.4(g)

¹⁰ Melbourne Community Television Consortium Ltd Program Broadcast Licence, March 2008

SELECTION OF PROGRAMS

The Melbourne Community Television Consortium Ltd Charter puts forward the following programming principles and strategies that are to form the basis of the Programming Policy¹.

- Consortium programming will represent a diversity of interests and content.
- Consortium programming will include Community Access Programming and programming attracting a general audience.
- Community Access Programming will be selected irrespective of its ability to attract sponsorship or other forms of revenue.
- General Audience Programming can be selected on its ability to attract audience and is intended to generate revenue.
- Provision will be made for local, city-wide, state, national and international programming, with an emphasis on local and Australian content.
- Members will be guaranteed access to airtime within a given period.
- Members may be allocated access to specific time-slots for a given period.
- The Programming Committee will initiate requests for programs from communities under-represented in station programming and, where possible, facilitate those communities in their capability to produce.
- The Programming Committee is responsible for ensuring adequate and on-going audience feedback mechanisms.
- Programming submitted by Members and Affiliates must comply with the Code of Practice lodged by the Consortium/sector with the ACMA, but will otherwise be uncensored.
- Melbourne Community Television Consortium Ltd will always ensure that a majority of its programming is of Australian origin and content.

For the purposes of determining access to airtime, the Programming Policy makes a distinction between Internal Program Providers, which are the Members and Affiliates of Melbourne Community Television Consortium Ltd; and External Program Providers, which are providers other than Members or Affiliates².

Rights for airtime access for Internal Program Providers are determined from time to time by the members of the station³. Presently, it has been determined that each Member is entitled to guaranteed access to two half-hour timeslots per week, and each Affiliate to one half-hour timeslot per week⁴. This is subject to the programs meeting the requirements for Program Proposal Submission and complying with the terms of the Programming Policy, the Program Broadcast Licence, the station's Technical Criteria⁵ for programs, and for Members the Local Content Guidelines⁶. Internal Program Providers may apply to have more airtime than the guaranteed hour, which will be allocated at the discretion of the Programming Team.

¹ Melbourne Community Television Consortium Ltd Charter, Appendix 1 of the company's constitution

² Melbourne Community Television Consortium Ltd Programming Policy, Clauses 6 & 7

³ Ibid, Clause 6(c)

⁴ At a meeting of the Melbourne Community Television Consortium Ltd Assembly, 4 June 2009

⁵ Melbourne Community Television Consortium Ltd Programming Policy, Appendix C

⁶ Melbourne Community Television Consortium Ltd Programming Policy, Appendix D

External Program Providers are not guaranteed access to airtime, and are scheduled at the discretion of the Programming Team. External Program Providers may be charged for their access to airtime⁷.

When selecting programs for the schedule, the following factors must be taken into consideration by the Programming Team:

- The schedule must contain at least 60% local content per month (where a locally-produced program is one where at least 70% of the content has been shot within Australia)⁸
- Programs must be scheduled within the requirements for classification as laid down in the Code of Practice.⁹

Complaints about access to airtime issues are to be dealt with under the stations Grievance Procedure. Internal Program Producers may appeal decisions made by the Programming Team if they are denied airtime or continued access to airtime, and the appeal shall be heard by a panel comprising the General Manager and two voting members of the Programming Committee.¹⁰

Conditions on scheduling Culturally And Linguistically Diverse (CALD) programs

Melbourne Community Television Consortium Ltd seeks to strike a balance between English language programming which is readily accessible to a general population, non-English language programming concerning ethnic cultural issues in English, non-English language programming subtitled in English which may serve the needs of particular communities and which is accessible to a wider audience; and non-English programming which directly serves the needs of particular communities, and which may be of some interest to other communities¹¹.

To this end, programs presented in languages other than English shall generally not exceed 30% of the scheduled content per month, although the Programming Team may at their discretion increase the limit to a maximum of 40%¹².

Priority will be given to CALD programs with local content.¹³ The overseas content of language other than English Programs will not exceed 60% of CALD Programs scheduled in a month¹⁴. Where there are more requests for air-time than there are hours available for CALD programming, along with membership rights, the principles of access, and programming objectives, priority will be given to programs that:

- emphasise local content; or
- will attract the greater fee, most sponsorship revenue or that will generate kudos or goodwill for the station.

⁷ Melbourne Community Television Consortium Ltd Programming Policy, Clause 7(b)

⁸ Ibid, Clause 5.1

⁹ Ibid, Clause 5.2

¹⁰ Melbourne Community Television Consortium Ltd Programming Policy, Clause 14; Melbourne Community Television Consortium Ltd Grievance Procedure – Appendix 2 of the company's constitution

¹¹ Ibid, Clause 13

¹² Ibid

¹³ Ibid

¹⁴ Ibid, Clause 13.2

Conditions on scheduling External Programs

Scheduling of External Programs shall be carried out so as to ensure that the Licence Conditions relating to sales of access to airtime are not breached. These conditions are¹⁵:

- No more than two hours per day of airtime may be sold to a person who operates a business for a profit or as part of a profit-making enterprise (unless the person is a company that has a sole or dominant purpose of assisting a person in education or learning).
- No more than eight hours per day of airtime in total may be sold to people who operate a business for a profit or as part of a profit-making enterprise.
- No more than eight hours per day of airtime may be sold to a particular person.

¹⁵ Broadcasting Services Act 1992, Clause 87A

SCHEDULING OF PROGRAMS

Timeslots are allocated to programs on a seasonal basis¹. Each season usually lasts 13 weeks.

Allocation of timeslots will be carried out with the objective that the schedule will contain programs that:

- emphasise local content;
- attract increased sponsorship revenue or goodwill for the station;
- are programs shared by other community television stations;
- have not been screened on another television service; or
- have not previously been broadcast by C31².

Program providers may request renewal of their timeslots. Renewal of a timeslot will be subject to the number of requests received from new program providers, the desirability of accommodating the program in the schedule according to the Programming Policy, the Melbourne Community Television Consortium Ltd Charter and financial considerations as deemed necessary by the Board³.

The Programming Team will take into consideration requests for specific program timeslots but in the interest of ensuring fair and equitable programming will give no guarantees⁴. Timeslots are subject to change⁵. C31 reserves the right to reschedule any Program⁶.

When a program's timeslot is changed, the Programming Team will provide the producer with four to six weeks notice to ensure that the change can be widely publicised and listed in the TV Guides. The Programming Team will also arrange a face-to-face meeting with the producer, where possible, to discuss the change; and confirm the change in writing, and draft a new Program Broadcast Licence⁷.

All requests that, according to the above priority, have not had a series scheduled in the previous year will receive priority, subject to all other policy constraints, where possible in the season following that year⁸.

C31 will, to the best of its ability, provide air-time as requested on a first-come-first served basis (schedule, submission dates and financial considerations taken into account) subject to all policy and financial requirements⁹.

Programs will be scheduled within overall parameters and flow, taking into account audience building and the representative diversity of programming submitted; C31 will also exercise scheduling discretion to ensure access for new program providers, single programs, series of limited duration and special events¹⁰.

¹ Melbourne Community Television Consortium Ltd Programming Policy, Clause 5.5(e)

² Ibid, Clause 5.6

³ Ibid, Clause 5.7(a)

⁴ Ibid, Clause 5.7(b)

⁵ Ibid, Clause 5.7(c)

⁶ Ibid, Clause 5.7(f)

⁷ Ibid, Appendix B: Programming Procedures – Change of Timeslot for Programs

⁸ Ibid, Clause 5.7(e)

⁹ Ibid, Clause 5.7(g)

¹⁰ Ibid, Clause 5.7(h)

REMOVAL OF PROGRAMS

Program providers may forfeit their timeslot if:

- a broadcast master of the program is not submitted in time¹;
- the program does not meet the Codes of Practice or exceeds the classification requirements of the timeslot²; or
- the program does not comply with the provisions of the Technical Criteria³.

Any program that repeatedly fails to meet the requirements of the Codes of Practice and classification shall be removed from its timeslot until the producer can demonstrate an ability to produce the program in accordance with the requirements; or, where appropriate, the program can be rescheduled to accommodate a different classification⁴.

There are two levels of Technical Criteria⁵. Depending on the severity and type of technical problem, programs may be rejected for broadcast. When technical problems are ongoing, a program may be removed from air or moved to an off-peak timeslot until the problems have been resolved. Producers will be offered training and other assistance to help them overcome their technical difficulties. Member or Affiliate producers who have their program removed from broadcast due to repeated technical problems may appeal the decision through the "Complaints Related To Access To Airtime" provisions of the station's grievance procedure.

¹ Melbourne Community Television Consortium Ltd Programming Policy, Clause 5.7(d)

² Ibid, Clause 5.3(g)

³ Ibid, Clause 8

⁴ Ibid, Clause 5.3(g)

⁵ Ibid, Appendix C: C31 Technical Criteria contains full details of the two levels of criteria.