



## POLICY DOCUMENT 4.0.1

<b>Policy Name (full)</b>	Radio Programming Overview
<b>Policy Family</b>	Document Series 4 – Programming
<b>Version/Date</b>	V1.1 6 November 2019
<b>Maintained By</b>	Programming Sub-committee

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<b>PRECIS</b>	Introduction to general programming policies and procedures in relation to Lofty's terrestrial and online radio broadcasting activities.
<b>SCOPE</b>	Radio broadcasting, radio streaming.

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### Introduction

Lofty's Radio Programming Policy is designed to meet the objectives of the Association as set out in Rule 3 of the Constitution. Specific focus areas within the Policy include, but are not limited to:

- Local and Australian Music Content
- Contentious content, including but not limited to religious or political content
- Guidelines for content producers seeking to join Lofty
- Processes and procedures for the assessment of new programming submissions
- Management of existing programming
- Content of local relevance (including programming produced outside of the local area)
- News and current affairs
- Playout system
- Access programming
- Sponsorship and programming

For extra clarity, Lofty has divided its Programming Policy Family into two Subfamilies: Code Considerations (4.1.x) and Community (4.2.x).

### Purpose

This policy is intended to ensure that:

- expectations between Lofty and its members in relation to programming matters are clearly defined and are therefore able to be readily met; and
- key objectives within Lofty's overall programming strategy are considered.

### Policy

#### *Programming Framework*

We use the framework set out in the Community Radio Broadcasting Codes of Practice 2008. In terms of Lofty's programming framework, we have policies and procedures designed to encourage participation in Lofty's programming from as many people in our community as possible (refer Policy Subfamily 4.2.x).

This is either via the creation of programming to be distributed by Lofty, or via the opportunity to join the Programming Subcommittee to guide Lofty's programming output within the context of Lofty's Constitution and Policy Documents.

*Diversity and independence.*

As per Code 2, Lofty values the diversity of thought among its volunteers. Lofty's programming is diverse, and is intended to serve sectors of the community that may not currently be adequately served with special interest programming.

In terms of Code 6, Lofty shall not allow sponsors to have any influence in programming decisions whatsoever. The Board reserves the right to take disciplinary action against any person that wilfully and/or deliberately allows sponsors to influence programming, as per Policy 4.1.2.

*Programming Sub-committee.*

As per Code 2, Lofty values the diversity of thought among its volunteers. Lofty's programming is diverse, and is intended to serve sectors of the community that may not currently be adequately served with special interest programming.

As with all sub-committees, Lofty's Programming Sub-committee policy resides in Policy Family 1 (Governance). Policies relating to the administration, composition and scope of the Programming Sub-committee is documented in Policy 1.2.4.



## POLICY DOCUMENT 4.0.2

<b>Policy Name (full)</b>	Programming - Proposals
<b>Policy Family</b>	Document Series 4 – Programming
<b>Version/Date</b>	V1.1 6 November 2019
<b>Maintained By</b>	Programming Sub-committee

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<b>PRECIS</b>	This policy describes the mechanisms with which individuals or non-individuals within Mount Barker RA1 may submit programming proposals.
<b>SCOPE</b>	Radio broadcasting, radio streaming.

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### Introduction

In the interests of encouraging community participation in its operations, Lofty welcomes program proposals from people residing within Mount Barker RA1.

This policy discusses how new program proposals are to be presented to Lofty, as well as explaining what happens after a program proposal has been considered by the Programming Sub-committee.

### Submitting a programming proposal

To simplify the program proposal process for both the Proposer and Lofty, all program proposals shall be made via Lofty's prescribed format:

If you are an <b>individual</b>	If you represent a <b>group or non-individual</b>
Lofty Program Proposal (Individuals)	Lofty Access Application (Non-individual)

For the purposes of this policy, "Proposal" shall be interchangeable with "Lofty Program Proposal (Individuals)" and/or "Lofty Access Application (Non-individual)" from this point until the end of this document.

Acceptance of a Proposal is not guaranteed, and is subject to assessment by Lofty's Programming Sub-committee.

Proposals are assessed in terms of Lofty's Programming Policies, all of which are aligned with one of more of the following:

- Community Radio Broadcasting Codes of Practice 2008 ["the Codes"]
- Community Broadcasting Participation Guidelines 2010 ["the Guidelines"]
- Broadcasting Services Act 1992 (Cth) ["the Act"]
- The current version of the Lofty Community Media Incorporated Constitution ["the Constitution"]

## Decisioning

The decision to accept or decline a Proposal is at the discretion of Lofty's Programming Sub-committee.

### *Acceptance*

Should a Proposal be *accepted* where the Proposer is an individual<sup>1</sup>, said Proposer - if not already a Lofty member – will need to apply to join Lofty as a member. Said application is to be assessed in terms of policy and Rule 16 of the Lofty Constitution.

Where the proposer is not an individual e.g. consortium representing a community interest, incorporated association etc., the program shall be accepted on an Access basis in terms of policy 4.0.3.

### *Non-acceptance*

Should a Proposal be declined, Lofty shall advise the Proposer of this decision in writing.

When advising that a Proposal has been declined, Lofty is to provide feedback as to why said Proposal was declined.

Where appropriate, feedback may also include advice relating to how the declined Proposal could be amended in order to achieve closer alignment with Lofty's Programming Policies.

Should the Proposer choose to amend and resubmit their Proposal, the Proposer is to resubmit the proposal to the Programming Sub-committee for consideration at their next regularly scheduled meeting.

The Programming Sub-committee is to reassess said revised Proposal on a standalone basis and on its own merits i.e. without reference to the previous submission(s) made by the Proposer.

### *Recourse*

Where a Proposal has been declined, the Proposer may seek a review of this decision.

A request for review shall be lodged to the Lofty Board *in writing*, with said review being undertaken at the next regular Board meeting or within forty-five (45) days of being submitted, whichever occurs first.

During the review, the Board shall consider how the Proposal *as submitted* aligns with Lofty's Programming Policies, as well as reviewing the rationale behind the Programming Sub-committee's decision.

Upon completing the review, the Board is to advise the Proposer as to its outcome. Should the Proposal be accepted, the Proposer is to commence the membership/access application process as per *Acceptance*.

Should the Proposal be declined, the Board shall provide advice to the Proposer *in writing*, providing a clear explanation of why the Programming Sub-committee's original decision has been upheld.

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<sup>1</sup> As defined in section 2B of the Acts Interpretation Act 1901 (Cth)

## **General considerations**

Prior to submitting a Proposal, Lofty recommends that the Proposer reviews Lofty's Programming Policies, as well as the Code, the Guidelines and the Lofty Constitution.

The rejection of a Proposal shall have no bearing on future Proposals as tendered by the Proposer.

Where the Proposer is an individual, said rejection shall not be taken into account should the Proposer should they choose to become a Lofty member either at the time of rejection, or at any point in the future.

Where the Proposer is not an individual, said rejection shall not be taken into account should any individual associated with the Proposer choose to become a Lofty member either at the time of rejection, or at any point in the future.

**APPENDIX A – PROGRAM PROPOSAL (INDIVIDUAL)**



**PROGRAM PROPOSAL – INDIVIDUALS**

Before being offered airtime on Lofty, our Programming Sub-committee needs to learn about your proposed program, and assess the proposal in the context of Lofty's Programming Policies. Please complete the following program proposal form and submit to [info@lofty.org.au](mailto:info@lofty.org.au). Lofty will only offer on-air slots, either live or pre-recorded, to **paid** members that have completed the Program Proposal process.

**Should you wish to propose a program on behalf on an entity that is not an individual, you will need to complete an Access Proposal form.**

<b>Full name</b>		<b>Preferred given name</b>	
<b>Home address</b>			
<b>Postal address (if applicable)</b>			
<b>Preferred phone number</b>		<b>Preferred email address</b>	
<p><b>Do you have radio broadcasting experience?</b> If Yes, please specify stations and dates/years. If available, please provide an aircheck of no longer than 10 minutes' duration in MP3 format (preferably sent via email, Dropbox or Google Drive) and a copy of a music log from one of your shows.</p>			
<p><b>Do you have podcasting or audio production experience?</b> If Yes, please give details of your podcast (if it is still online), or a sample podcast or audio production of no longer than 10 minutes' duration in MP3 format, either attached via email or shared via cloud storage i.e. Dropbox or similar.</p>			
<p><b>Briefly describe your proposed program.</b> Format, length, frequency, preferred daypart etc.</p>			

<b>Why do you believe the proposed program is relevant to Lofty's local audience?</b>		
<p><b>If your program is music based, please give a brief summary of musical genres/featured artists.</b></p> <p>For experienced broadcasters, a copy of a previous music log or playlist is sufficient (a Spotify playlist of same is desirable but not essential). New broadcasters may wish to compile a Spotify playlist or similar as a demo. Should you wish to submit a Spotify playlist as part of your Program Proposal, please copy the playlist link from Spotify and paste it in your submission email.</p>		
<b>DECLARATION</b>		<b>TICK</b>
I confirm that I (a) am current paid member of Lofty Community Media Incorporated (Lofty) or (b) shall apply for paid membership to Lofty upon approval of my program proposal.		<input type="checkbox"/>
My program proposal complies with Lofty's Programming Policies, and will not contain material that may breach Lofty's Policies, the Community Radio Broadcasting Codes of Practice 2008 and/or the Broadcasting Services Act 1992 (Cth).		<input type="checkbox"/>
Upon acceptance of my program proposal, I shall undertake compliance training as directed by Lofty, and will be unable to broadcast until said training has been completed. Lofty will provide this training at no additional cost to me.		<input type="checkbox"/>
Should I be offered a program on Lofty, I agree to submit a music log as soon as practicable after my show has been aired, or as otherwise directed by Lofty.		<input type="checkbox"/>
I acknowledge that this application is <b>not a guarantee</b> of airtime. Should my Program Application be declined, I may be invited to enter into correspondence with the Programming Sub-committee for negotiation of a mutually agreeable outcome.		<input type="checkbox"/>
Applicant Signature	Parent/Guardian Signature (for applicants under 18 years of age)	Date of application

**APPENDIX B – ACCESS PROPOSAL (NON-INDIVIDUAL)**



# ACCESS PROPOSAL (Non-Individuals)

Before being offered airtime on Lofty, our Programming Sub-committee needs to learn about your proposed program, and assess the proposal in the context of Lofty’s Programming Policies. Please complete the following program proposal form and submit to [info@lofty.org.au](mailto:info@lofty.org.au). Lofty will only offer on-air slots, either live or pre-recorded, once an Access Agreement has been executed by both the Accessor and Lofty.

**Should you wish to propose a program on your own behalf as an individual, you will need to complete a Program Proposal (Individual) form.**

<b>Entity name</b>			
<b>Registered address</b>			
<b>Postal address (if applicable)</b>			
<b>Email address</b>			
<b>Website (if applicable)</b>			
<b>Contact name (Rep 1)</b>		<b>Rep 1 mobile number</b>	
<b>Contact name (Rep 2)</b>		<b>Rep 2 mobile number</b>	
<b>Contact name (Rep 3)</b>		<b>Rep 3 mobile number</b>	
<p><b>Do any of your proposed presenters have radio broadcasting experience?</b> If Yes, please specify stations and dates/years. If available, please provide an aircheck of no longer than 10 minutes’ duration in MP3 format (preferably sent via email, Dropbox or Google Drive) and a copy of a music log from one of their shows where applicable.</p>			
<p><b>Briefly describe your proposed program.</b> Format, length, frequency, preferred daypart etc.</p>			

**How does your proposed program meet a community need?**

If applicable, please attach supporting information in support of the community need your proposed program expects to meet. This may be in the form of surveys, letters of support from interested community groups or individuals, Census data or any other document that may assist Lofty in establishing that providing access meets a community need as defined in Lofty Programming Policy 4.2.1.

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DECLARATION	TICK
We confirm that approval of our program proposal is subject to an Access Agreement, as executed by us and Lofty. An access charges form part of said Agreement, and said charge payable as per the Agreement. Should we fall into arrears with our access charges, Lofty may suspend our access until our account is restored.	<input type="checkbox"/>
Our program proposal complies with Lofty's Programming Policies, and will not contain material that may breach Lofty's Policies, the Community Radio Broadcasting Codes of Practice 2008 and/or the Broadcasting Services Act 1992 (Cth).	<input type="checkbox"/>
Upon acceptance of our program proposal, our nominated presenter(s) shall undertake compliance training as directed by Lofty, and will be unable to broadcast until said training has been completed. Lofty will provide this training at no additional cost to either us or the nominated presenter.	<input type="checkbox"/>
Each nominated presenter shall provide Lofty with a current National Police Certificate (or equivalent). Where a nominated presenter is working with children and/or vulnerable persons, a current Working With Children check is also required.	<input type="checkbox"/>
Should we be offered a program on Lofty, we agree to submit a music log as soon as practicable after my show has been aired (where applicable), or as otherwise directed by Lofty.	<input type="checkbox"/>
We confirm that we are authorised to enter into contractual agreements on behalf of the abovenamed Entity, with said authorisation being attached to this Access Proposal.	<input type="checkbox"/>
We acknowledge that this application is <b>not a guarantee</b> of airtime. Should our Access Application be declined, we may be invited to enter into correspondence with the Programming Sub-committee for negotiation of a mutually agreeable outcome.	<input type="checkbox"/>

**Executed on behalf of the abovenamed Entity pursuant to Section 127(1) of the Corporations Act 2001.**

Signature	Signature	Date of application
Name	Name	
Position held	Position held	



## POLICY DOCUMENT 4.0.3

<b>Policy Name (full)</b>	Programming – Access Programming
<b>Policy Family</b>	Document Series 4 – Programming
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<b>PRECIS</b>	This policy explains how Lofty applies section 6.4 of the Community Broadcasting Participation Guidelines 2010 in offering paid access to non-individuals seeking to broadcast programming of local significance to meet a community need.
<b>SCOPE</b>	Radio broadcasting, radio streaming.

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### Introduction

A condition of presenting a program on Lofty is that the presenter must be a current Lofty member. As Lofty's Constitution only allows for natural persons to become members, Lofty is unable to extend member privileges to non-individuals.

This policy sets out how Lofty may offer access programming, and how said access is offered in terms of Section 6.4 of the Community Broadcasting Participation Guidelines 2010 ["the Guidelines"].

### Access and the Guidelines

Section 6.4 of the Guidelines considers Access Programming in the form of a question:

#### **6.4 CAN LICENSEES CHARGE FOR AIRTIME?**

*Sale of airtime is one legitimate way to encourage community participation by giving individuals or groups an opportunity to contribute to the program schedule. However, it is important to keep in mind that a condition of community broadcasting licences is that licensees must not be operated for profit or as part of a profit-making enterprise. Also, licensees remain legally responsible for all material that goes to air.*

*Licensees can charge for airtime as long as airtime fees are reasonable and the procedure for deciding access to airtime is fair and transparent.*

[...]

### **Community radio**

*The Act does not specifically provide for the sale of airtime on community radio. However, the sale of airtime on community radio is a legitimate method for ensuring community involvement as long as the sale of airtime is consistent with licence conditions (for example, the community participation and community representation requirements and the requirement that the service not be operated for profit or as part of a profit-making enterprise) and the community purpose of the service.*

*Community groups (for people from a particular ethnic or cultural background, for example) may participate in a service by purchasing airtime to provide programs to ensure their needs are adequately met.*

## Access Proposals

A non-individual may seek access to airtime on Lofty on a paid basis by submitting an Access Application (Non-individual) Form. An example form is shown as Appendix B in Policy 4.0.2.

## Assessment of Access Proposals

An Access Proposal shall be assessed by Lofty's Programming Sub-committee in the same manner in which a Program Proposal from an individual is assessed, as per Policy 4.0.2.

## Access Programming considerations

The Guidelines include advice on how to sell airtime (Access Programming).

Guideline advice	Lofty's interpretation
use a transparent method to determine airtime fees	Airtime fees are clearly set out in an Access Agreement ["the Agreement"] executed by Lofty and the Accessor.
charge a reasonable rate for airtime, with concessional rates for certain individuals (for example, pensioners and students)	Lofty does not <i>directly</i> charge individuals for airtime. However, as airtime for an individual is subject to said individual being a paid member of Lofty, this may be considered a form of <i>indirect</i> charge for airtime. Rule 21(c) of the Lofty Constitution calls for Lofty to discount membership fees by fifty percent (50%) where a member fulfils one of more of the following criteria: <ul style="list-style-type: none"><li>- under 18 years of age</li><li>- a full-time student</li><li>- a Commonwealth Health Care Card holder</li><li>- a Seniors Card holder</li></ul>
apply airtime fees fairly and consistently	Lofty does not expect any significant discrepancies in airtime fees charged to each Accessor. In some cases, Lofty <i>may</i> propose an airtime fee that is an outlier when compared with comparable Agreements. An airtime fee may be moved out of the standard range based on the Accessor's capacity to pay. For example, an Accessor that has just lost a significant portion of ongoing grant funding may be offered airtime at a reduced rate.
ensure the service is not operated for profit or as part of a profit-making enterprise	Lofty is a not-for-profit Incorporated Association registered in South Australia. Operating an Incorporated Association for profit or as part of a profit-making enterprise is a breach of the Incorporates Associations Act 1985 (SA).
monitor their program schedule to ensure it continues to reflect the needs of the service's community.	The Programming Sub-committee undertakes regular reviews of all programming (including Access Programming) to ensure said programming continues to meet community needs.

### **Other Agreement considerations**

The Agreement sets the rights and obligations of both the Accessor and Lofty in relation to accessing airtime. The following parameters are also set in the Agreement:

- airtime pricing, including provisions for future adjustment viz. CPI increases etc.;
- length of the Agreement;
- any Conditions and/or Conditions Precedent as negotiated between Lofty and the Accessor (where applicable);
- provisions/conditions relating to early termination of the Agreement, as instigated either by the Accessor or Lofty.