



Australian  
Broadcasting  
Authority

## Guidelines for broadcasting sponsorship announcements and other promotional material on community radio and community television

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### Background

Under the *Broadcasting Services Act 1992* (the Act), all community broadcasting licensees are subject to a licence condition that prevents them from broadcasting advertisements.<sup>1</sup>

However, community broadcasting licensees may broadcast a range of announcements and other promotional material that are not classified as advertising under the Act.

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<sup>1</sup> Clause 9(1)(b) of Schedule 2 to the Act.

Understanding the difference between permitted promotional material and advertisements is important for community broadcasters. This is because failure to comply will breach a licence condition which carries with it the possibility of serious penalties, including licence suspension and cancellation.

The ABA has developed these guidelines to assist licensees in preparing announcements and other promotional material that comply with the Act.

The guidelines are *advisory only* and are designed to help licensees to improve current practices. They do not replace the requirements of the Act. If in doubt, licensees should seek independent legal advice on the application of the Act to particular situations.

To get a better understanding of their obligations, licensees will need to be familiar with Schedule 2 to the Act. This can be accessed via the ABA's website at <http://www.aba.gov.au>.

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## What promotional material is allowed?

The following types of promotional material can be broadcast by community stations:

- sponsorship announcements;
- community information material;
- community promotional material;
- station promotions; and
- advertising material that is an accidental or incidental accompaniment to the broadcast of other matter, where there is no payment involved.<sup>2</sup>

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### A. Sponsorship announcements

The key feature of a sponsorship announcement is its acknowledgement of financial support given by a sponsor to a community broadcasting licensee or a program broadcast on the service provided under the licence.

The announcement may also promote the activities, events, products, services or programs of the sponsor, provided that it contains an acknowledgement of financial support by the sponsor of the licensee or a program.<sup>3</sup>

Sponsorship announcements may run for up to 5 minutes in any hour for community radio licensees and 7 minutes in any hour for community television licensees.

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<sup>2</sup> Clause 2(1) of Schedule 2 to the Act.

<sup>3</sup> Clause 2(2)(b)(ii) of Schedule 2 to the Act.

Of course, sponsorship announcements must be genuine, so that the licensee must be able to demonstrate (if asked) that the sponsors featured in the announcements are actually financial supporters of the licensee or of a program.

For community television licensees, sponsorship announcements must be broadcast only during periods before programs commence, after programs end or during natural program breaks.

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### **Acknowledging the sponsor's financial support**

A sponsorship announcement must include an acknowledgement of financial support given by a person to the licensee broadcasting the announcement or to a program broadcast on that licensee's service. This acknowledgement is commonly referred to as the 'tag'.

For example, an announcement concerning the products or services of sponsor 'XYZ Pty Ltd' is permitted, so long as it includes, starts with or is immediately followed by a tag, such as 'XYZ Pty Ltd, sponsor of 1FM'.

Other than the tag, the Act does not restrict what information the announcement can provide about the sponsor. Promotional language, product range details and price information can be broadcast.

The acknowledgment of financial support (or 'tag') must state that financial support is provided by the sponsor to the licensee who is broadcasting the sponsorship announcement or of a program broadcast on that licensee's service.

In other words, for a sponsorship announcement to properly acknowledge support, there must be a relationship between the supporter or 'sponsor' and the licensee or a program. For example, sponsorship of a program might have a tag such as: "The Chamber Music Program is sponsored by Paganini Violin Strings of Black Forest Road – string makers to the world's great quartets."

The 'sponsor' must have contributed in some way to the ongoing financial support of the station or a program. This could be by way of a donation of cash, or of goods or services that would otherwise be an expense for the licensee in operating the service.

Tags should also be:

- attached to each and every sponsorship announcement broadcast;
- able to be clearly heard and understood; and
- in the same language as the announcements.

Promotional material is not considered to be a sponsorship announcement if the tag:

- is left out;
- is inadequate; or

- names as a sponsor someone who is not in fact a sponsor of the licensee or the program in which it is broadcast.

Each sponsorship announcement must be individually tagged. It is not sufficient to broadcast one tag covering a block of announcements.

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### **Is there a particular form of words that has to be used in the ‘tag’?**

Broadcasters are not restricted to a particular style of ‘tagging’. Examples of ways that tags can show the licensee has received financial support from another person are:

- 1FM is sponsored by XYZ; and
- ....XYZ, 1FM’s sponsor...

These examples indicate that the named licensee (1FM) has received financial support from the sponsor (XYZ).

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### **Are sponsorship announcements subject to time limits?**

Yes. For community radio licensees - five (5) minutes of sponsorship announcements (including their tags and music) are permitted in each hour of broadcasting.<sup>4</sup> For community television licensees – seven (7) minutes of sponsorship announcements (including their tags and music) are permitted in each hour of broadcasting. To ensure that the time limit is not exceeded, licensees should count the time spent broadcasting sponsorship announcements from the start of each hour.

There is no limit on the number of sponsorship announcements that may be broadcast in each hour, so long as their combined duration does not exceed the permitted minutes per hour of broadcasting.

The following are not included in the time limit for sponsorship announcements:<sup>5</sup>

- material that publicises programs to be broadcast by the licensee;
- material that promotes the licensee's products, services or activities for the broadcast of which the licensee does not receive payment in cash or in kind;
- community information or community promotional material for the broadcast of which the licensee does not receive payment in cash or in kind;

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<sup>4</sup> Clause 9(3) of Schedule 2 to the Act.

<sup>5</sup> Clause 9(5) of Schedule 2 to the Act.

- sponsorship announcements consisting of moving text that is overlaid on a test pattern.

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### **Do the sponsorship announcement rules apply to program material that is not produced by the station itself?**

Yes. Any sponsorship announcement featured in this type of broadcast should be correctly tagged i.e. it must state that the ‘sponsor’ named in the announcement has given support to the licensee that is actually broadcasting the announcement or to the program to which the announcement refers.

If the ‘sponsor’ named has not provided financial support to the licensee re-transmitting the program or to the program itself, then the announcement does not count as a sponsorship announcement and will be in breach of the ban on advertisements.

Likewise, simply adding a ‘tag’ to an advertisement or promotional announcement in program material obtained from a commercial source will not ensure compliance with the Act. Unless the named sponsor has actually provided the relevant support to the licensee broadcasting the program or to the program itself, the announcement will be an advertisement, and in breach of the licence condition.

For example: Station 1FM takes a program on syndication. After each advertisement or promotional sponsorship announcement, it inserts the words: ‘Sponsors of 1FM’.

This will breach the prohibition on advertising, unless there really is a relationship of financial support between the sponsor and 1FM.

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### **How do the sponsorship rules affect ‘sale of airtime’ arrangements?**

The term ‘sale of airtime’ describes a practice where a licensee accepts a fee from an individual or organisation in return for allowing that person/organisation to provide program material during an agreed timeslot. Community broadcasting licensees should approach the practice of selling airtime with caution in circumstances where the licensee has also permitted that person to sell sponsorship time.

The licensee has ultimate responsibility for ensuring that all material broadcast on its service, including material broadcast under sale of airtime agreements, does not breach the conditions of its licence, including the time limits per hour permitted for sponsorship announcements.

Any sponsors featured in the announcements must have given financial support to the licensee or to a program and the announcements must be tagged.

Community television licensees are subject to specific restrictions on the sale of airtime, which can be found in section 87A of the *Broadcasting Services Act 1992*.

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## **B. 'Community information material' and 'community promotional material'**

Community announcements which fall into this category are allowed. This category usually covers events within the community or community services. Usually, no payment is made to the station for the broadcast of such announcements.

Community information material and community promotional material do not need tags. However, if the licensee receives a payment in cash or kind for broadcasting the material, it will count towards the hourly sponsorship time limit.<sup>6</sup>

Examples of material that falls into the community information category are:

- material about an appeal by a registered charity, or a non-profit or volunteer group;
- announcements that can be seen to meet the needs of the community served by the licensee. For instance, a licensee may inform listeners belonging to a particular language group about an upcoming cultural festival, or provide information about other events of a cultural, welfare, or educational nature;
- announcements about goods or services, where the money raised benefits the community or charitable purpose. Announcements about goods or services which charge commercial rates are unlikely to be community information/ promotional material and should be tagged.

In some cases where payment is received for the broadcast of community information or community promotional material, it may be difficult to distinguish this material from sponsorship material. It is recommended that where there is doubt, the material should be tagged. For example, care should be taken with community notice board items as, in addition to genuine community information, they may contain material which could be classified as a sponsorship announcement or as an advertisement.

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<sup>6</sup> Clause 9(5)(c) of Schedule 2 to the Act.

## C. Material that announces or promotes the licensee's service

This includes material that is likely to encourage the public to give support (financial or otherwise) to, or to make use of, the community broadcasting service. This could be by way of announcement or promotion of events, products or services associated with the station.

Examples of this might include on-air promotions of the station's call sign and frequency, an announcement concerning a promotional barbecue organised by the licensee, on-air competitions run by the station, the sale of station T-shirts, bumper stickers or the licensee's involvement in an outside broadcast.

This material does not require a tag. However, where payment in cash or kind is received, the material must be counted towards the hourly sponsorship time limit.

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## D. Unpaid advertisements that are an incidental or accidental accompaniment to the broadcast of other matter

The Act permits community licensees to broadcast material that has an advertising character in circumstances where it:

- can be regarded as an 'accidental or incidental accompaniment' to a broadcast of other matter; **and**
- is not paid for (in cash or kind).

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### What is the meaning of 'accidental or incidental accompaniment'?

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'.

Advertising matter will be regarded as an '**incidental** accompaniment' to other material being broadcast where the program material includes a reference to a product, service, organisation etc., merely as a minor part of the broadcast. This may include a casual reference to a product or service where that type of casual reference is likely to occur in a discussion of some other thing.

For example, a single reference to a particular type of fertiliser in the broadcast of a gardening program may be permissible:

You need a high phosphate fertiliser otherwise the tree won't fruit. Brand X is one, but there are many others that are just as good and cheaper in price.

In the same way, a reference to a commercial organisation, such as a restaurant, may be allowed, where it occurs in passing, during a conversation about another matter, and without payment. For example:

I went to the Chinese Moon Festival last night and came across a food stall called *Noodle House* that served up some wonderful noodles. And then we watched some local dancers who had the most beautiful costumes...

Repeated references to a particular product or organisation may risk breaching the ban on broadcasting advertisements.

Interviews or discussions with ‘experts’ and industry representatives are common to broadcasting. If the program turns from a general discussion about a topic, and focuses on the promotion of a particular product, service or organisation, the licensee risks broadcasting material that may in fact be an advertisement. The risk is even greater if the licensee has some form of financial arrangement with the expert or representative being interviewed.

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### **Other advertising material is not permitted**

Unless an advertisement falls into one of the types of promotional material explained in these guidelines, it may not be broadcast on a community broadcasting service.

Community licensees should be aware that the definition of ‘advertisement’ is very wide and includes unpaid advertisements.

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## **E. Broadcasting syndicated programs – what are the risks?**

Programming not produced by the licensee but obtained from other sources is increasingly a feature of community radio and community television. Many stations carry syndicated community programming and the ABA is also aware of some stations that broadcast material obtained from commercial broadcasting services.

Licensees should be aware that they are responsible for all material that is broadcast under their licences.

Broadcasting syndicated or shared material carries a risk of breaching the Act. This risk is higher when re-transmitting commercial programs, because commercial programming typically contains paid spot commercials plus a range of other promotional and commercial content. These programs may require modification by the licensee who is re-transmitting the program to ensure that the content does not include advertisements.

Unless a community licensee is able to identify and edit out all promotional or commercial references that are not permitted by the Act, it is likely to breach the ban on advertising. Obviously, it is more difficult to edit material that is relayed live, such as a sporting event.

Some broadcasters mistakenly believe that if they do not receive payment for any advertisements that appear in a syndicated commercial feed, they are not in breach of the licence condition ban on advertisements. Any advertisement broadcast, paid or unpaid could potentially breach the licence condition.

Also, if programs are obtained from other community stations, a licensee should be aware that sponsorship announcements in that retransmitted material may breach the ban on advertising. Such announcements are only permitted where the sponsor is actually a financial supporter of the licensee that broadcasts the announcement or a sponsor of the program being re-transmitted.

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