

Community radio has been operating for many years since its inception as a medium. During the last decade many more licensees have been established, who for want of better examples are still attempting to define themselves in the market place, the community and within the scope of their licenses granted by the ABA.

In the rush to provide a broader range of community broadcasting radio services, little if anything was considered as to the long term viability of such organisations who largely are incorporated under various jurisdictions and often do not conform well either managerially, technically, training, operationally, financially or quality control.

Neither consideration was determined as to the prosperity, benchmarking or best practice procedures, managerial structure, competence based training for either management or presenters, relying on whatever could be procured at the time or volunteered.

Equally, without such minimum or maximum standards applying from management down, the medium is left to self regulate, where those structures are lacking in any performance based standard to measure themselves by, except those applicable to commercial broadcasters. Whilst, it may be said, this is a very desirable standard to either achieve or have as a goal, irrespective of this, the community sector radio broadcasters largely lack any standards or regulation as to how standards should be applied and provided for.

PERCEPTIONS

There is a perception within the sector, that because it is 'community' as opposed these days to 'public', it has to be anti professional, poor and puny, and sub standard to good established practices.

Globally, these perceptions are different than those held by the minority of community radio broadcasters in Australia. There is a perception that it is not required to operate on an efficient or effective manner, let alone in accordance with best or 'Better Business Practice' simply because it is a 'community concern'. This is a falsehood. The community radio sector, by it's very existence, nature and incorporation is a business, procuring contracts, able to sue and be sued, enter into commercial agreements, provide sponsorship for monetary exchange and a whole host of practices on a daily basis, which differentiate it from a normal community organisation as has been historically known.

Whilst it may be considered, on the one hand a 'not for profit' entity, it is none the less on the other hand, unable to operate without a surplus of capital funds, or face extinction alongside any other group be they semi commercial or not, because they are required to generate certain operating capital and funds to maintain a broadcasting service. There is no dispute here, a radio station is a capital intensive operation, and thereby cannot be dismissed lightly simply because it's category is styled or inappropriately named. Often, the amount of funds and capital moving through some of the 'more progressive' community broadcasters, suggests a dedication to the pursuit of excellence and broadcasting standards, which keep it viable, where lessor or non professionally orientated community broadcasters fail, their product being poor, and sub standard.

It must be eternally remembered and stressed, that the listening audience, really does not care who the broadcasters category of license is, they do not particularly discriminate or care, but will tune off, and not listen to garbage of any sort irrespective of wether it is presented over the air waves by a commercial, community or other broadcaster. From the audience perspective, it matters little! Quality radio broadcasting is paramount.

The sector is a misnomer in name, although it is community based, often it's operations encompass a variety of networks across commercial business, public authorities, and government business enterprise areas, resulting in diversity and vitality, and dissemination of much and varied information making it a dynamic force within the wider broadcasting sector.

Often the management structures do not exist, are sloppy, the financial sector is arguably UN accountable and inexplicable, the technical side in tatters, training virtually non-existent and no benchmarks, standards, goals or levels to be reached or attained and no objectives or standards are set, either by the ABA, the CBAA or the radio Stations themselves.

The purpose of this paper is an introduction to begin discussion regarding tightening regulatory control, procedure and compliance, in order to improve the community radio sector, provide suitable and sustainable outcomes and better all-round procedures and structures with clearly defined standards and efficiencies to strive for, be measured by and ultimately accountable under.

1. Management: - Qualifications and proven competency and experience to stand and be elected to either a committee of management, or where those who have boards of directors appointed there to.
2. Established Management Structure : Management by Objectives: To design and maintain an environment in which individuals working in either groups, collectively or solely can aspire to and accomplish predetermined objectives. Managers being charged directly under law, in this case jurisdictionally applied the Associations Incorporations Acts or Companies Code (Cwth) as applied to the States, for the proper functions of accounting, fiscal responsibility and Annual returns, as well as the necessary pre-requisites of proven competency to manage others in a diversified and public organisation. Secondly managers will be responsible for making individuals accomplish group tasks or desired goals or objectives as set out in a mission statement or corporate memorandum or plan, if not already covered by the articles or rules of association. Managers to demonstrate capacity for and have an understanding of the ethical and social distinctions and standards applying to good management and practice, broadcasting principles role of broadcasting, as well as the technological, political and economic environments in which they operate.
3. Credentials and Prerequisites: That all who seek election or appointment as in 2 above, shall demonstrate their experience and capacity prior to taking up such position to the membership, the community at large and the established criteria of those responsible for competency based recognition of management. Directors and committee of management to clearly define Line and Staff Relationships, incorporating Authority to Acts and responsibilities of each Director, manager and supervisor. This presupposes that each candidate for management will possess the necessary prerequisites of character and leadership to be successful in the role!
4. Demonstrated capacity to introduce management practice and procedure consistent with the principles of management: Planning, Organising, Staffing, Directing and Leading, Controlling and Supervision, in order to address the following criteria. : - Nature and purpose of planning, Objectives, Decision Making, Strategies and policies, personnel Management, Human resources, effective and efficient policies and practices.:- Purpose of organising long and short term goals and objectives, forecasting and decentralisation of Authority. Organising effectively staffing, Selection of personnel, presenters, technicians, producers, agents, salesman, creative directors, copywriters, announcers and voice over talent, managing talent and artistic expertise, handling volunteers in a managerial capacity in line with corporate objectives.. Understanding the nature of planning, organising, directing and leading, motivating, supervising, performance appraisal and effective communication. Controlling overall performance, maintaining standards and skills, achieving excellence and professionalism. Effective training and competency based performance management, training and selection. Controlling and supervising.
5. Business Best Practice (World wide standard) and Benchmarking: To be capable of exceeding or at least matching the standards globally of the community radio sector, as it operates on an optimum level worldwide. That within its scope it conforms as best as possible near to the principles of Competition Policy and Best practice performance as benchmarked globally. That scope be provided for inclusion in world standards along isn 9000 as a starting point. Minimum and maximum performance levels be set, and striven for, and a regulatory compliance by the industry be applied.
6. Training should be also of an industry standard as outlined in 5 above, and follow globally accepted norms.

ELECTIONS

1. Elections should be supervised and conducted by the Australian Electoral Commission. Elections for community radio should be of the same standards applied to Federal State and local Government elections, as the medium is now large enough and representative enough of a cross broad section of the community, and its functions are tending in part to duplicate the information dissemination and flow of the local government region and suburban newspaper network. As a result, the amounts of money interchangeable are now of the sum and quantity where open and transparent elections and management should be appropriate and scrutinised by the community, with the same adherence to other elections.

This will not apply to appointed boards, rather be only applicable in the open committee of management structures as is the usual option available. Those sufficiently not well structured or mature enough to appoint board members should be open and transparent with full scrutiny by the community to whom they purport to represent.

The community radio sector suffers from a closed rank situation when it comes to electing management committees. Too often, this is abused, and the likely outcome is where inappropriate and unqualified people are elected, who do not hold the best interests of the sector uppermost in their minds, and result in the closed shop programming so typical of the sector in its infancy. This will eliminate the problem and make committees more accountable to their communities and their membership alike. Gone are the days, of a select few having exclusive access to the airwaves, because of petty infighting and selfishness, born out of the attitude of 'we are just a community radio'

REGULATORY REFORM & COMPLIANCE

Regulatory reform has been an area of commonplace activity in recent years by all Australian governments across the broad spectrum of business and consumer affairs born out of an understanding that excessive regulation creates a burden of added costs on society or the community in proportionate to the benefits derived as a result of that regulation. Unchecked, regulation will burden the economic enhancing performance including investment and employment opportunities and growth.

The community radio sector, has been operating in shadow of these requirements, however not strictly conforming to the true level of regulatory reform. Although in relation to business related activities, it has benefited enormously from the broad thrust of reform, it is none the less still shackled by a burden of legal compliance, and interpretation as to what constitutes a good radio versus a bad radio enterprise.

Many of the sector are burden by the requirements of balancing interpretation of legal status in relation to membership rights and privileges, access to air waves, and programming bias, to name a few. Furthermore, many persons have been unduly defamed and libelled and been upset by decisions taken at board or committee of management level, which impose an unfair burden upon them, or seek to exclude them from the sector altogether. For whatever reasons these occur, are because there is a deficiency in the interpretation and meaning of the role and scope of committees of management, and their often tendency to abuse the process and take liberties at the expense of others in a purely selfish nature.

It is our intention to focus on this area, of redress, for injured parties, particularly the conflict and disputes mechanism before, reaching final decisions which are made by committees which are binding on all parties, in respect of the legality of their decisions, the climate in which they were taken or the fairness or otherwise of those decisions.

In order to address this criteria we shall be including a more detailed segment on the role of the ABA and the Department in relation to these matters and investigating more fully the operations of committees of management, their rights and responsibilities and scope of jurisdiction which legally, at present is open to wide and inconclusive interpretation.

Equally, the entire questions at law, regarding unfair dismissal, libel and slander, inequality, access, and discrimination should be reviewed, because these radio's are incorporated, and irrespective of what they individually think they are, they must be accountable at law, instead of the current application of committee decisions which flout the law and the abuse of due legal process.

Often, decisions taken by committees are external and out of reach of legal due process, and unavailable to the ABA for scrutiny. This has resulted, where, affected and injured persons, simply do not have the tenacity to pursue through ignorance their rights and obligations, or financially are unable to bring a test case through common law, which would give their problems greater acceptance to higher authorities. There is much scope for regulatory and legal appraisal and reform in these areas of neglect by committees of management and their lack of regard for their members, and abuse of their positions. This can be investigated and addressed to bring a more equitable and fair outcome for all parties concerned, and improve the quality of management and operations of the sector in line with Better business Practice and Regulatory compliance and Accountability by the sector in the future.

PRINCIPLES OF REGULATORY CRITERIA

Where appropriate the sector should be committed to providing an encouraging environment for improving competitiveness of the community radio sector amongst its contemporaries for an overall better industry. Viewed within the scope of not adding burdens of additional costs which hinder the sector, however encourage inputs to improve the overall quality, effectiveness and efficiency of the medium in line with international or global best practice. The industry can no longer rely on just getting by, it has come of age, and certain benchmarks and standards must be applied, as to the overall efficiency of operations quality assurance and program quality control.

Work in future should be towards developing industry and training standards along the wide spectrum of radio services applicable to community broadcasting, from management to artistic and volunteer control and direction, to ensure that reform objectives are met across all sectors and operations of community radio, improve and enhanced performed objectives are set, maintained and striven for as best practice dictates. This inevitably will result in the ABA and the sector generally enforcing standards which are at present, lacking, or need tightening to ensure a better level of service is provided, and the ongoing financial and entertainment activities be fostered and developed along existing infrastructure and community and societal requirements for the sector.

Much of the work should be directed to developing effective and lowered cost regulatory approaches in line with current economic realities applicable to the sector. The sector can no longer be described as the 'poor and puny' little brother to commercial radio, resulting now in a realisation that the sector must move towards performance based procedures and practice in all key result areas.

The sector realises that freely functioning markets are the best means by which allocating services are best achieved between stakeholders, members and the community, ensuring that it is achieved efficiently and on a cost effective basis. Competitive markets in this case, different community radio's all operating together encourage greater consumer choice and assist in allocating more sponsorship and funding dollars, resulting in the long term viability of the sector and the maximisation of community and social benefits derived as a consequence.

It is nonetheless understood that current operating parameters hinder and prevent the sector from truly growing in real terms to its fullest maximum, because of existing distortions and imperfections from management down. Hence, these imperfections can be ironed out by a more realistic tightening of regulation where necessary and relaxation in others generating acceptable outcomes for the sector, industry and government as may be necessary.

The key areas to be addressed are:-

Barriers to entry, accessibility and discrimination.
Informational constraints, bad management practices and program difficulties
Legal burdens restricting stakeholders from their rights, which may be unduly trespassed upon or their lives affected by decisions of committees wholly currently operating as a law unto themselves
Training and Quality levels, which are at best suspect and subject to internal personality constraints and barriers.
Volunteer management practices and control procedures.
Externalities of cost control, versus funding an on going technical or scientific management.
Equity and Consumer protection , complaints and disputes.
Accountability and transparency under the law and to the general public.

Areas to be investigated:

Who is affected?
What are the problem sources?
Identifying existing faults and problems, conflict resolution and recourse at law.
The social and economic costs of problems and who bears those costs.
Major and minor irritants and nature of problems.
Technological, management, economic, political and administrative constraints.
Risk assessment and analysis
Workforce and employment and management of policies relating to volunteers.
Identification of objectives and corporate goals.
Fiscal constraints
Coverage legislation, programming control and content, personnel practices and procedures.
Performance parameters, minimum and maximum regulation of management and control procedures.
Performance enhancement programs.
Compliance costs and burdens in existing infrastructure
Penalties
Consistency with Best practice, world benchmarking strategies and Competition policy
Compatibility with other laws and regulations, and global standards.

CODES OF PRACTICE & SECTOR SELF REGULATION

Usually these determine the ways and means or actions applicable to the sector being administered. Whilst the broadcasting services act provides for such voluntary codes its application should reflect the growing importance of the sector and its ability to operate within the frameworks as stated above.

These codes, ought to be reflective of the procedures as required by the industry or profession otherwise known today as community radio and should keep abreast and at pace with developments. Clearly, in many aspects as previously mentioned in management, elections and overall public accountability and transparency, this may not be the case. It is intended to review these in order to gear the sector for the next century and bring it in line with globally acceptable standards.

They should also harness the expertise market and social questions inclusive and peculiar to the sector providing adjustments mechanisms where they are deficient to best reflect the sectors changing and evolving nature. This reduces the cost burden on government the ABA and the department otherwise spent on administering the sector. However, before such can be put into practice it must be sufficiently defined, to reflect the desires and ambitions of its relevant stakeholders, as this is ongoing and evolutionary, it requires constant updating.

Where this is to be successful there should be enough and sufficient market power and interest within the sector to deter non compliance once those parameters are set. Importantly it must be stressed, that compliance is achieved through stakeholders desire to maintain and nay, uphold the good name and reputation already established by the community radio profession, without sanctions by individuals or biased committees of management, or colleagues through petty indifference to the aims and objectives of the majority who wish to see the sector grow and develop to its true potential.

These codes can be regularly updated and achieved after due process of consultation and open inquiry with stakeholders, the government department and ABA, industry and professionals, entertainers and producers, sponsors and the community at large to which they are meant to represent, ensuring these codes are both practical and operationally viable and effective consistent with objectives of parties involved.

The advantages provide for innovative and progressive behaviour in the sector and a market solution for the *control of ethical behaviour* creating a more competitive sector making it cheaper for all concerned. Equally, dispute and conflict mechanisms can be applied, and the more equitable use of arbiters, independent litigant counsellors, perhaps ombudsmen developments or establishment of '**an industry council**'.

LICENSING

Should reflect sector participants ongoing abilities to effectively and efficiently manage a station competently and responsibly. In the case of aspirants particularly and current holders in general their suitability should be demonstrated and scrutinised to ensure they are operating at *Best Industry Practice* in line with global expectations.

Where necessary the detractors of established global norms and other serious offenders against these criteria and standards *should be removed and excluded from participating from the sector* so as not to unduly burden it with negative or reactionary forces not in the best interests of the sector. In the past many have contravened these areas, and are not fit and proper entities or persons to operate and hold a community radio license. This is an area of open and public inquiry that ought as right, be deemed part of the ABA's responsibilities, or delegated under legislation to an *approved 'statutory authority'* or Industry Council, with separate and delegated or subordinate powers under the Department or minister as appropriate and reflected in the Act by instrument. Such a body will ensure also the codes and standards being met, and complied with, and such a body can operate either conjointly or separately to established procedure under the Act, or legislated to reflect the desired outcome as appropriately may be deemed necessary.

Any such move should be with a view to enhancing the overall improvement and performance of the sector, and to act as an instrument to bring recalcitrant offenders into line.

Much consideration will be detailed later in an addendum which would outline the author's intentions based on current problems and existences which are negative and beyond the current scope of licensing considerations. This is an on going area of reform and should be viewed entirely in an exercise designed to improve the sector, along the arguments already and previously mentioned.

PUBLIC EDUCATION

The sector is evolving, and is now a small to medium sized business. The days where the philosophy of the sector was summed up as being 'just a community radio' implying that it was too small and inconsequential, and therefore did not have to conform to established procedures and practices are over! The sector, and their stations across the nation are all small businesses some much larger, with fiscal revenues and turnover involving not the tens of thousands, but hundreds of thousands and in particular cases millions of dollars!

There are too many variables today of employment and contractual obligations and interaction with other market sectors including manufacturers and suppliers which preclude it from being the back yard play thing of a disgruntled or anti commercial radio dingbat of yesteryear. These are yesterday's people, nostalgically longing after the so named 'golden days of radio' which they feel have been lost forever.

However, misguided as such persons are, and thankfully they form the minority, there perceptions are badly distorted, and often occupy positions on management committees which preclude by their selfish and incompetent outlook, the sector from progressing and developing into its true maximum capacity. They sadly, underestimate the sectors ability to relive the so called golden days of radio, when the sector is uniquely placed to develop this again, not in competition to commercial radio stations, because that sector handles a different market segment. Moreover, the exciting sector of community or public broadcasting is uniquely placed to provide a diversity of radio entertainment, largely discarded by commercial radio because of the profit motive and cudgels of advertising constrictions nowadays predominant and fuelling the commercial radio sector.

By this very token, the community sector broadcasters have a ready made market to tap, and progress, providing stimulus for innovative and creative artistic expression and musical outlets for a whole host of otherwise neglected areas of the Australian entertainment industry. This is where the sector comes of age and is emerging into the progressive element that is typical of its ongoing success. It is time, to reflect and nurture this sector and improve its ability to maintain its leading edge in this respect, and provide the framework and infrastructure for its continued success and development into the next century.

The development of this sector will provide much to the Australian Economy and many returns on its investment particularly in employment growth, training and professional skills based development, which will enhance our country and the prospects for the future. If handled properly and by the *right*, people, will be a shining example of pursuit and endeavour, of what a community can really do when put to the task!

An industry body will assist in public education, and help maintain the momentum and on going awareness, as well as providing much stimulus in needed financial and capital improvement to assist the sector in the future.

All these steps are a necessary adjunct, the author will provide a more detailed input as a result of this introductory paper.

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