



Legal Requirements

This document is based on the expectations that C31 Melbourne have of their producers. It's important to understand that other community stations may have different requirements for their programs, and as every station and situation is different, you should always seek independent legal advice.

Sponsorship

Sponsorship refers to any product or service that you have received something from in return for promoting their brand.

C31 is allotted 7 minutes of sponsorship time per hour, and will be breaching its license if it exceeds this amount.

Your sponsor can be advertised through billboards or ads before, after or during sponsorship breaks – but **never** during your show.

Advertorial

What can you actually include within your program when it comes to sponsorship? The short and safe answer is **nothing**.

The government prohibits any advertising within programs aired on community television. The **only** acceptable places for sponsorship announcements are before and after a program or during station breaks.

A common problem arises when segments of a program are filmed in the shop of one of the show's sponsors, in front of staff wearing the sponsor's logo on their uniforms, talking about how great their products are. This is the perfect example of what you are **not** allowed to do.

It's a tricky area, and there is a safe way to do it, but you need to be very careful about how you go about it. In situations like this you need to use the person you are speaking to as an expert in their field, and have them discuss a topic of their expertise while remaining general and brand neutral. Then during your program breaks run a spot for the company using your hosts and their expert talking about how great their company is and their great prices - you still tie the company to your show but with a minor modification are now perfectly within the governments strict rules.

Sometimes logos or brands (associated or not associated with your show) can accidentally be seen in shot. There are provisions for this, however if you have intentionally framed a logo in shot and tried to make it look accidental, the incident would be looked at very sternly by the broadcasting authority. If there's any doubt about offending program material, C31 will simply cut it out of your show before it goes to air. These provisions are there to protect honest and unavoidable mistakes – not to be

abused.

Some examples of an 'accidental' advertorial segment include football matches (where logos can be seen all over the ground) or a segment based in a strip of shops where a number of store fronts can be seen.

Billboards and Sponsor ads

Your program billboards are a great tool for strongly linking your program with your sponsors in a perfectly legal manner. They are counted in our allotted sponsorship time, but are limited to 15 seconds per program (this can be split up so you have a top and tail billboard, but must never exceed 15 seconds in total).

Sponsor ads are also a great way to advertise your sponsor. Please refer to our Sponsorship Tips document or speak to the C31 Sales Manager about buying spots.

Website

When it comes to sponsorship always remember - your website is your best friend! Besides being a great tool for supporting and promoting your program in general, it allows virtually unlimited chances to promote your sponsors in a completely clean and legal way.

Despite the many rules covering what you can do within your show there are almost none concerning what you can do on your website. It's your greatest resource for giving exposure to your sponsors and connecting them with your viewers.

As a rule of thumb whenever you feel like mentioning your sponsors name during your show mention your website instead.

Competitions

Running competitions are a good opportunity to draw attention to a sponsor's support of your show in a safe way, while also rewarding your viewers for watching your show.

To run a competition is really simple. First check what your prizes are worth - if they are worth a combined total of \$5,000 or more you'll need to apply for a permit, which will cost you a couple of hundred dollars. But if your prizes are worth less than \$5,000 you are ready to go - you don't need to get any permits at all.

The one condition is that you must require a "show of skill" to win the prize - basically it can be as easy as "email us the answer to this question".

If the prize comes from your sponsor, make sure you don't talk up the brand - you can mention the brand of the prize or where it has come from, but you'll get into dangerous territory if you go on about how great the brand/prize is.

Community Events

The government's rules do provide a little more flexibility when it comes to promoting events of particular interest and importance to you program's target community. However, their definition of a community of interest is limited to:

- An event which is an appeal for a registered charity, a non-profit and/or volunteer group.

or

- A ticketed event (eg. For profit event) that meets the needs of a section of the community by providing information of a cultural, welfare or educational nature.

For example a program for the Indian community could promote an upcoming Bollywood film festival, even if it costs money to get into the festival, because it is of cultural value to its audience.

The tough part with this provision is deciding what does and doesn't qualify as a "community event". Always ask yourself if the event you are promoting serves a cultural, welfare or educational purpose. If it does, and you haven't been paid to promote it, you can promote it.

If you do want to promote an event, you can mention it in passing – but don't devote an entire segment to it. Don't include excessive information such as pricing, sponsors of the event or contact details.

Remember, if you're unsure, leave it out. If you try to push the rules, you run the risk of forcing the station to cut offending segments from your show or possibly not air your episode at all.

Some tips on how to promote community events:

- Run the details of how to buy tickets, etc, through your website rather than going into details of pricing and where to buy tickets.
- A brief mention of the venue and the line up of the event is fine.
- Remember the "tone" of the segment is important – keep it informative and don't spend too long going over the same details.
- As always, hand in your tapes early, particularly if there is a segment that may be of concern. If a tape is handed in late, the ingest and programming team often have little choice but to cut offending segments. If a tape is submitted early, it gives the Programming Team time to contact you, discuss the segment, and get a new episode or segment submitted if necessary.

Performance Releases

When filming people for broadcast the type of filming you're doing generally falls

broadly into two main categories - where the person taped is identifiable and where the person is unidentifiable.

Video which was taped on public property and doesn't contain easily identifiable people is generally fine to use in your show. Video containing a group of 6 or more people is also fine to air. However if you wish to film someone speaking, or are taping close ups of individuals you will need to get every person you tape to give their permission for you to do so. The easiest and safest way to do so is to have your talent fill out a performance release form.

This is a very simple contract stating that the person realises they are being filmed and gives you permission to use the footage. Speak to your Program Manager to get an example of a Performance Release.

Defamation

This refers to the way you portray people in your program and how they can be perceived by the audience.

Producers and programs are expected to carry out 'reasonable conduct' when it comes to the content of their programs. If any material is expected to be of public interest, refer to or be about someone in the public eye or someone easily identifiable by a member of the public, and if the material is 'subjective' ie. not based on fact, it has the potential to be defamatory.

For example, if someone in the public eye is being widely criticized in the media about their recent performance (fact) but a media outlet brands them with a term that is subjective, not based on fact and could be potentially damaging to their reputation – this is defamation.

If someone sues you for defamation, they will have to prove three things; that the material has been published to a third person (ie. the audience), the material identifies or is about them, and that it damages or has the potential to harm their reputation (ie. is defamatory).

If you are sued, you have not broken the law if you can prove the material is your honest opinion (previously 'fair comment'), is 'true' or is qualified privilege (ie. You have a social or moral duty to present the material to the audience and the audience has a duty to receive it).

It's important to always consider the following before submitting your program to C31:

- Consider the program as a whole including opening titles or credits. Ask yourself – which groups or individuals have been identified? Are they being portrayed in a potentially defamatory way? Try to put yourself in their shoes.
- If you feel that some of your program's material may be defamatory, edit it out
- Consider the benefits of airing the program against the risk of being sued for defamation