

# **FRAMEWORK FOR REGULATING COMMUNITY TELEVISION IN THAILAND**

**(Including Case Studies)**

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Good Morning everyone and it is great to be here in Bangkok to engage in exploring what community television might look like as it is introduced in Thailand. Our media reflects who we are, our hopes, our connections with each other and what binds us as communities and as a nation. The power of community television is that it is local voices and local stories that are central to this connection and these relationships.

Over the past year we have been working on developing a framework for the introduction of community television in Thailand. Many of you have been working towards obtaining a community television licence. And we have learned from your commitment, your energy and your ingenuity. Many of you have been innovators as you prepare for the next step. The challenges ahead are not small in resolving issues such as revenue to start and keep going, to ensure that we are genuinely community in ownership, control and operation, and that our motives are not wealth creation but community strengthening. But if we have clarity of purpose and commitment, we will succeed.

The NBTC and the ITU have prepared three reports, with input from your focus groups and feedback from those who have been working on establishing community television. The first report outlines a framework for deploying community television in Thailand; the second is a number of case studies from other countries where community television has been established, and what we can learn; and the third report is practical guidelines for community television trials.

What I wish to do in this talk is to reflect on some of the experiences of other countries in the introduction of community television and identify what lessons we can learn for the introduction of community television in Thailand. I think there at least nine things that we can act on as we develop our own regulatory framework. They are:

1. Be clear about what community television is and is not
2. Distinguish the central purpose of community television
3. Develop a regulatory framework that allows community television to succeed
4. Be clear about how a community television station should be run and with issues of governance
5. Promote content self regulation of community television
6. Encourage multi-platform distribution
7. Focus on supporting capacity building
8. Facilitate the development of a Thailand community television industry group
9. Develop regulatory expertise in overseeing community television

This is a substantial shopping list but I would like this morning to briefly explore each of these nine lessons as we develop community television in Thailand. We have the significant advantage of beginning community television when other countries have worked for many years with some of the development issues and we can learn from our own experience in the introduction of community radio.

1. **Be clear about what community television is and is not**

Our media services only work if each sector is clear about why it exists and what is its purpose. Our broadcast landscape is made up of commercial, state, public service and community broadcasters. There is confusion and malfunction when one broadcast sector begins to behave as if it is another.

Community television has three defining elements. First, it is community owned, controlled and operated. Second, it is not for profit. And third, it is essentially local or regional. A licence holder for a community television station can only hold one licence and much of the content for the station must come from the community itself. Community television cannot be 'taken over' by commercial or political or government interests. It is accountable to the community it is located in and the community it serves.

Where community television loses its way is when it tries to behave as a commercial station. Community television should be business-like in its efficiency and operations but it is not a business. A principal objective of a business is to make money and distribute financial returns to owners or shareholders. That is not the purpose of community television, which may make money but any financial surplus must be returned to the community television station itself and not distributed to any other individuals or entities. In our case studies we saw how the Australian media regulator (ACMA) has issued extensive guidance notes on how to ensure that community broadcasting does not amount to commercial broadcasting. However, in the UK community or local television is sustained in part by advertising. But the local purpose of the licence is a critical part of the regulatory framework.

## **2. Distinguish the central purpose of community television**

The purpose of community television is to reflect the diverse interests of the community it serves. Community television excels when new and unheard voices are seen and heard and untold local stories are told. Community television is grass roots. People on screen also run the station. Most are volunteers who contribute out of commitment, enjoyment and the opportunity to learn new skills. While production, technical and distribution capacity is needed, community television is principally not about equipment but about local stories and local news. It will succeed when those local stories are compelling. When the content of community television connects and excites.

In our case studies we saw community television programs such as *Maths with Mary* in Winnipeg, and *Funky Junk* in the UK, where a mother and daughter teach 6-12 year olds how to recycle. These are local community members sharing their passion and expertise on their local community television service.

Community television loses its way when it tries to duplicate the content and formats of commercial television. Community television is not a low cost opportunity for commercial broadcasting. The value and distinctiveness of community television will be demonstrated when its distinctiveness of purpose is clear. That it is local, reflective of the community, and has diverse voices presenting and producing content that enhances the media experience of each province. The test of purpose is asking the question, is our community better because of our local or regional community television station?

### **3. Develop a regulatory framework that allows community television to succeed**

A task of media regulation is to enable rather than inhibit. To encourage growth and development, rather than trying to curb or constrain it. The regulatory framework for community television must have the aim of encouraging and affirming success. This objective should be part of the regulator's understanding of regulating for the public interest.

A critical consideration is the question of sustainability. Community television typically has a fragile revenue base. The introduction of community television should not erode the viability of commercial television, which is funded by advertising. Consequently many regulatory frameworks prohibit advertising on community television but allow commercial sponsorship. This sponsorship may be acknowledged on air but must not include any call for action to buy goods or services. In Australia much regulatory effort has gone into providing guidelines as to what is sponsorship. When community broadcasters ignore such guidelines and over-reach, it is easy to lose a sense of central purpose.

A significant sustainability issue for community television is meeting the cost of distribution. Here is an opportunity for some lateral thinking. The drafters of Thai media policy are very good at lateral thinking. Thai PBS is kept going by taxes on alcohol and cigarettes. The cost of community television access to a distribution multiplex needs to be addressed with similar creativity.

If sponsorship is going to be a significant source of revenue for community television then guidelines should not be overly restricting. Clearly advertising is prohibited for community television in Thailand but sponsorship may turn out to be a principal source of revenue.

#### **4. Be clear about how a community television station should be run and with issues of governance**

An important early consideration for a community television licensee is to determine in what legal form shall the licence be held. The law allows for an association, foundation or any other entity that is non-government and not for profit, even an unincorporated group of local residents of not less than five in number.

A community television station is likely to be run principally by volunteers. How do these station voluntary workers contribute to the direction of the station? A station membership or supporters structure is essential to achieve a level of volunteer engagement. The best way to build this community of support is to licence a station as an association. The association is a separate legal entity that holds the licence and owns the station assets. In order to participate in the community television station a volunteer becomes a member and votes for the station board. An Annual General Meeting is held to report to members and decide on future development. If the station appoints any staff, they are accountable to a station director, who in turn is accountable to the board. Community citizens who are not station volunteers but station supporters may also have membership.

It is important to get these organisational models sorted out before the process of application for a Trial Licence and for a Five Year Licence actually begins. Roles in the station need to be identified and association members prepared for them. Montgomery Community Media in the US in Maryland has the following eleven roles:

- (a) Station Director
- (b) Administration and Human Resources Director
- (c) Content and Operations Director
- (d) Development and Communications Director
- (e) Multi-media Producer
- (f) Philanthropy Manager and Grant Writer
- (g) Program Manager
- (h) Finance Manager
- (i) Training and Volunteer Services Manager
- (j) Production Manager
- (k) Network and Technical Manager

Typically a station may employ a Station Director, a Content and Operations Director and a Network and Technical Manager with the other roles being filled by volunteers who have been given the appropriate capacity training.

A critical first step is to focus on getting the Board established. The station Board should reflect the diversity of the community in age, gender, ethnicity, and areas of special interests. Typically the Board could be made of members from education, health, agriculture, industry, sport, faith communities, youth and women's groups and the arts.

In our capacity building, we should start with equipping people to be effective Board members.

## 5. **Promote self-regulation of community television**

There are several approaches to media regulation. First, there is statutory regulation where the media regulator, under legislation, provides regulations for how the media must operate. The NBTC is established by legislation and has the ability to issue regulatory notifications. Second, there is co-regulation where the media industry develops its own Code of Practice and the media regulator approves this and uses the Code to regulate a particular media sector. This is the approach in Australia. Third, there is self-regulation where the media industry itself develops its own Code and in the first instance oversees compliance. If this oversight breaks down then the media regulator may intervene. This is the approach to regulation of the press in the UK. The Leveson Inquiry investigated the behaviour of some journalists who had been hacking the mobile phones of celebrities. Lord Justice Leveson argued that self-regulation had to prove itself and if it failed there needed to be 'statutory underpinning'.

If all the 12 licenses for community television in Thailand were awarded in each of the 39 community television service areas, there could be over 400 community television stations in Thailand. Assessing the regulatory capacity of the NBTC, it is preferable that these stations self regulate in the first instance. Self-regulation in its own right is a good thing. It causes broadcasters to take responsibility for their content and operations.

So what should be included in this self-regulatory framework. I suggest a Code for community television should include the following principles:

- (i) A community station should meet community interests
- (ii) A community station should be independent
- (iii) Content on a community station should demonstrate a diversity of perspectives and respect a diversity of views
- (iv) Community broadcasting volunteers should be valued

- (v) Accuracy in content is critical to the credibility of a community broadcasting station
- (vi) The governance of a community station should be open and transparent
- (vii) A community station should be particularly responsive to audience feedback including complaints

Self-regulation is a mark of maturity and trust. Self-regulation will fail unless there is community television commitment and vigilance concerning quality, fairness, inclusion and content standards.

## 6. **Encourage multi-platform distribution**

While community television in Thailand will transmit free to air on digital television spectrum, we must keep up with audience viewing preferences and behaviour. As our media is increasingly converging we should aim to be not only free to air, but also on mobile and online. At the very least, we should aim to have a station web site and plan to also make our signal streamed on mobile and online. Having a presence on social media sites such as Facebook will increase our connection with our audiences who can respond to what they see. Further Facebook Live allows us to stream all or part of our content.

The station website should be used as our notice board. The station program schedule should be there as well as notice of opportunities for volunteer training. Contact numbers for the station and office holders should all be there.

This multi-platform capacity may not happen all at once but we should plan for a start to have a web site and a Facebook page.

The allocation of broadcast spectrum for civil society is embedded in Thai law. This is a great asset in ensuring the place of community television. Value this provision as in some other jurisdictions community television has been migrated off the free to air spectrum to the broadband Internet.



## **7. Focus on supporting capacity building**

Community television and community radio stands apart from other sectors in the broadcast ecology because many, if not most, of its people working at the station are volunteers. This means that special effort has to be invested in providing opportunities for all with training, development and capacity building.

An important role in a community station is a Training and Volunteer Services Manager. This person may also be a volunteer. Capacity building is a central activity that is not only required at the beginning of the station but is essential during the whole life of the station. Volunteers will come and go. Many will have long-term commitment.

We need to find an ongoing mechanism for training and development for boards, station managers, content makers and those responsible for technical operations, as well as for roles in fundraising and community engagement.

The research and development funds of the NBTC may be able to assist with this capacity building and universities and vocational training institutes may be able to offer ongoing workshops.

Capacity building is central to the success of community television. It is not something that is done at the start but is at the centre of the ongoing life in a community station.

## **8. Facilitate the development of a Thailand community television industry group**

In our case studies it was most evident that community television tended to be well established when there was an effective industry association. CACTUS, in Canada, and the Community Television Alliance, in Australia, have provided leadership in policy formation and a coherent industry relationship with media regulators.

Community television industry associations provide advice to aspirant licensees and assist existing stations with self-regulation.

A good outcome of this conference would be for us to resolve to start and support such an association.

#### **9. Develop regulatory expertise in overseeing community television**

Regulating community broadcasting is quite different from regulating other sectors of broadcasting. The essence of that difference is that the regulator is engaging not with employees and professionals but with volunteers and local communities.

The regulatory impact of this relationship is that regulatory burden should be clear, minimal and capable of compliance, and encouraging self-regulation, at least in the first instance.

Regulatory expertise in community television within the regulator is most desirable.

#### Conclusion

I have attempted to outline a framework for the introduction of community television in Thailand. We have considered nine elements for such a framework including being clear about what community television is and is not: regulating for sustainability; promoting content self-regulation and capacity building, and the development of regulatory expertise.

Community television here will succeed. We have most committed and capable aspirant groups seeking a licence. Thailand has a well-developed civil society. Community television will add much to our media experience, particularly in terms of local news and information. Thailand is ready for community television.

As long as we are clear that community television is community owned, controlled and operated; is not for profit; and is local or regional, we will really flourish.

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