

31 August 2016

Mr Paul Ritchie  
Treasurer  
Noosa District Community FM Radio Association Inc  
PO Box 1059  
Noosa QLD 4567

By email: [admin@noosacommunityradio.org](mailto:admin@noosacommunityradio.org)

ACMA file reference 2016/451

Dear Mr Ritchie,

### **Application for renewal of community broadcasting licence SL1150115**

I refer to Noosa District Community FM Radio Association Inc's (4NSA) application for renewal of community broadcasting licence SL1150115 lodged on 1 July 2016. The Australian Communications and Media Authority (the ACMA) has finalised the assessment of 4NSA's application. The assessment has not given rise to any significant concerns under the *Broadcasting Services Act 1992* (the Act) regarding the renewal of 4NSA's community broadcasting licence. Accordingly, providing no significant issues arise in relation to 4NSA's service in the meantime, the licence will be renewed approximately eight weeks prior to the expiry date of the current licence.

However, there are a number of issues that 4NSA will need to address, as outlined below.

#### **Paragraph 84(2)(d) – the capacity of the licensee to provide the service**

##### **Management capacity**

##### ***Constitution matters***

The ACMA expects community broadcasting licensees to be open, accessible and transparent as it assists them to meet their licence conditions under the Act, in particular the obligation to encourage members of the community they serve to participate in the operations of the licensee and in the selection and provision of programs under the licence. Provisions in a licensee's constitution which specify the grounds on which a membership application may be rejected, require the Board to provide reasons for rejection of membership applications, set out disciplinary procedures and appeal rights for rejected applicants and disciplined members enable a licensee to meet this obligation. In addition, provisions in a constitution should not detract from a community broadcaster's requirement to encourage participation in the operations and programming of its service.

4NSA's current constitution should be amended to:

- specify grounds for rejection of a membership application;
- provide grounds for rejection of a membership application to the rejected applicant;

- provide a right of reply to rejected applicants (in addition to the existing appeal right); and
- remove the requirement for applicants to be proposed and seconded by existing members.

**The ACMA expects that within 6 months of the date of this letter, 4NSA will amend its constitution to address the concerns listed above, providing a copy to the ACMA together with a copy of the minutes of the meeting at which the proposed amendments were adopted.**

You may be aware that the Community Broadcasting Association of Australia (CBAA) has developed a constitution template to provide guidance to the community broadcasting sector (attached for reference). The template assists in the drafting of constitutions and rules of association that are consistent with the requirements of community broadcasting licensees under the Act. I would encourage 4NSA to refer to this template in reviewing its current constitution.

#### **Compliance with codes**

Community broadcasting licensees are required to have in place appropriate corporate governance policies and procedures as outlined in the *Community Radio Broadcasting Codes of Practice 2008* (the Codes). It is noted that 4NSA has an extensive range of policies and procedures, however, not all policy documents were provided so it is unclear if 4NSA has all the required policies in place. It is noted that an internal conflict policy and a partial programming policy were provided. In this regard, 4NSA must ensure that it has in place policy documents for programming, membership, complaints handling, community participation, volunteering and sponsorship. If 4NSA does not have these policies in place, it should, in consultation with its members, develop and adopt these policies. Please provide copies of these policies and copies of the minutes of the meeting/s at which the policies were adopted to the ACMA by **28 February 2017**.

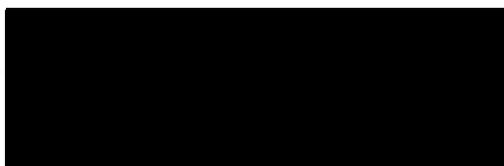
#### **Further action**

4NSA should provide its amended constitution and requested policy documents (as outlined above) to the ACMA by **28 February 2017**.

**Please be aware that any failure to address the issues set out in this letter may have an adverse effect on 4NSA, particularly in the event the ACMA receives a complaint which relates to these issues and/or if the same issues arise when the ACMA assesses 4NSA's next licence renewal application.**

I can be contacted on (02) 9334 7700 or emailed at [communitybroadcasting@acma.gov.au](mailto:communitybroadcasting@acma.gov.au) if you have any questions.

Yours sincerely,



**Sidhi Melkman**

Community Broadcasting and Safeguards Section  
Email: [communitybroadcasting@acma.gov.au](mailto:communitybroadcasting@acma.gov.au)