Investigation report no. BI-524

| Summary |  |
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| **Licensee** | Brisbane Interactive Radio Group Inc. |
| **Station** | 4YB |
| **Type of service** | Community – radio |
| **Issues** | Representing the community interest  Encouraging community participation in the operations of the service  Encouraging community participation in the programming of the service |
| **Relevant legislation** | Schedule 2 to the *Broadcasting Services Act 1992*:  paragraph 9(2)(b) [represent community interest]  subparagraph 9(2)(c)(i) [encourage community participation in licensee operations]  subparagraph 9(2)(c)(ii) [encourage community participation in the selection and provision of programs] |
| **Findings** | Breach of paragraph 9(2)(b) [represent community interest]  Breach of subparagraph 9(2)(c)(i) [encourage community participation in operations]  Breach of subparagraph 9(2)(c)(ii) [encourage community participation in the selection and provision of programs] |

Background

On 26 August 2019, the Australian Communications and Media Authority (the **ACMA**) received a complaint alleging that Brisbane Interactive Radio Group Inc. (the **Licensee**) was not representing the community interest or encouraging community participating in station operations or the selection and provision of programs.

On 13 September 2019, the ACMA commenced an investigation under section 170 of the *Broadcasting Services Act 1992* (the **BSA**) into the licensee’s compliance with the licence conditions at paragraph 9(2)(b) (community interest) and paragraph 9(2)(c) (encouraging community participation) of Schedule 2 to the BSA.

The Licensee advised the ACMA on 7 July 2020 that its management and programming had undergone significant change after 22 June 2020, when a new Board of Management was elected at a Special General Meeting (SGM).

Although this investigation concerns the service as it was at the time of the complaint, the report also includes, where relevant, information provided by the Licensee about the present nature of the service.

The Licensee

The Licensee has held a long-term community broadcasting licence since April 2003, representing the youth interest in the Brisbane RA1 licence area in Queensland. The expiry date of the current licence is 15 December 2021.

Assessment and submissions

This investigation has considered the following material:

* the complaint received by the ACMA on 26 August 2019
* written and verbal submissions from the Licensee, received by the ACMA on 16 October and 16 December 2019, and 7 July, 17 July and 10 August 2020.

Other sources are identified in this report where relevant.

Issue 1: Representing the community interest

Relevant licence condition

**Schedule 2**

**9 Conditions applicable to services provided under community broadcasting licences**

(2) Each community broadcasting licence is also subject to the following conditions:

[...]

(b) the licensee will continue to represent the community interest that it represented at the time when the licence was allocated or was last renewed

Finding

The ACMA considers that at the time of the complaint, the Licensee did not represent the community interest that it represented when its licence was last renewed, and accordingly, breached paragraph 9(2)(b) of Schedule 2 to the BSA.

Reasons

It is a condition of all community broadcasting licences that the licensee must continue to represent the community interest that was represented at the time its licence was last renewed. The community interest the Licensee is required to represent is the youth interest, as indicated when the licence was last renewed in 2016.

The ACMA’s *Community Broadcasting Participation Guidelines 2010* (the **Participation Guidelines**) note that licensees who continue to represent the community interest ‘regularly review the needs of the communities they serve, and have diverse program schedules which reflect the needs of the communities they serve’.

The complainant alleged:

The music played during the majority of airtime on [4YB] is a mix of 80s, 90s and some current hits. What is usually played could be considered a “Hot AC” format [i.e. Hot Adult Contemporary] which does not generally appeal to youth.

Very little talk content is broadcast. The talk content that is broadcast comes primarily via a re-broadcast of an online radio station based in Ipswich (West Bremer Radio https://www.westbremerradio.com.au/), with additional content being a re-broadcast of an online radio station operating from University of Southern Queensland https://phoenixradi2.wixsite.com/phoenixradio (also in Ipswich). The talk content during these re-broadcast periods is primarily of interest to the general Ipswich community, and not Brisbane youth. There is very little if any talk content relating to issues that are specific to young people in the Brisbane area. Whilst Ipswich is geographically close to Brisbane, it is its own city and has its own LAP.

Any talk content that is relevant to Brisbane youth is primarily externally produced 30 second community service announcements, and is not live talk.

According to the [4YB] website, there is only one or two locally produced programs broadcast. The majority of the programs promoted on the website are programs which are produced West Bremer Radio and re-broadcast on 1197 AM.

*Reviewing community needs*

Community broadcasting services are expected to be responsive to community needs. The Participation Guidelines note that:

Licensees commonly identify the needs of their communities using one or more of these methods:

* surveys, questionnaires and online polling;
* suggestions boxes;
* focus groups;
* audience and community feedback through letters, electronic communications (SMS or email, for example) and a station website;
* audience requests;
* discussions with community groups and representatives; and/or
* analysing census data for the licence area.

Licensees can identify community needs themselves (through, for example, suggestion boxes, online surveys or questionnaires) or can engage a consultant to do this on their behalf.

In identifying community needs, licensees should ensure that they:

* canvas the needs and expectations of people in the community within their licence areas, not just their audiences or members and volunteers who are already actively involved with the station;
* encourage suggestions for improvements to their service;
* design questions to elicit full and honest responses; and
* identify whether respondents reside in the licence area or have some other connection to the licence area (for example, work or study in the licence area).

Following an earlier finding that the Licensee was in breach of the licence condition at paragraph 9(2)(b) of Schedule 2 to the BSA on 24 February 2011, and subsequent complaints also related to this licence condition, the ACMA requested several renewal actions when the licence was last renewed in 2016. These included implementation of a community consultation strategy (**CCS**), a copy of which was provided to the ACMA by the Licensee with its initial submission to this investigation on 16 October 2019.

The CCS states it is designed to:

ensure that it encourages a broad cross-section of the Brisbane’s RA1 licence area […] for individuals and community organisations to participate in the operations and programming of the service.

and that:

… representing the Brisbane youth community interest in the Brisbane RA1 licence area means providing a service that meets the needs of people who:

• Live or spend a substantial amount of time within the Brisbane RA1 licence area or

• Share an ethnic or cultural background or

• Share religious beliefs or

• Share, or identify with, some other particular characteristic or interest

These objectives do not detail ways in which the needs of youth, in particular, in the licence area might be met.

Despite the lack of helpful detail in the CCS, the Licensee submitted that it conducted community consultation and interaction using the following methods:

… by having programs produced daily that are live with not only 4YB members but enticing the youth community especially those studying media to actively produce and deliver programming.

[…]

4YB has also engaged with various schools and universities and attended various student information days. […] 4YB has also attended open days with QUT and Griffith University.

[…]

Through its partnership with the University of Southern Queensland, various primary and high schools are engaged to produce various programming on the service.

The ACMA notes that these types of activities are an important way to engage with members of the Licensee’s community of interest – young people, school students and university students. However, the ACMA notes that the Licensee appeared to rely significantly on the lived experience of the Licensee’s members or volunteers. This approach has also been advocated by the new Board:

Currently the organisation is focussing on rebuilding the number of members with an aim to engage more active members that represent the youth community in relation to station programming and operations.

The ACMA agrees that it is important for licensees to draw members and volunteers from its community of interest. However, by relying too heavily on those same people to provide programming ideas and community engagement, licensees risk relying on too narrow a sample that unwittingly omits large sections of the relevant community. This is particularly so if the number of members and volunteers is low, as it is in this case. The Licensee needs to actively engage with its community of interest beyond its own members and volunteers.

In its 10 August 2020 submission, the new Board of the Licensee indicated that it is currently implementing a ’90 day plan’ to help rectify issues identified in the ACMA’s preliminary investigation report. With respect to meeting its community interest, the Licensee submitted that the plan includes:

* Reaching out to community groups, such as high schools, theatre and youth groups as well as youth community support groups
* Establish Switch Community Link, Job Connect and Community Switch services to provide a mechanism to connect and inform the Brisbane community around community groups and events, and employment opportunities both on-air and via our website and social channels

The Licensee submitted that it also has a ‘six month plan’ which ‘will continue to build on these actions’. The ACMA considers that although identifying these objectives is an important step and the objectives are ones that should be pursued, the Licensee is yet to provide any evidence of specific actions taken, particular groups contacted, or individual objectives met.

While attendance at public functions can be an important vehicle for promotion, accessing feedback and sourcing ideas, licensees need to cast a wide net over a substantial number and diverse range of such events in order adequately cover a community of interest. This is particularly so in a large metropolitan licence area such as Brisbane RA1.

In its initial submissions in October 2019, the Licensee submitted that it had attended student information and open days at the University of Queensland and Griffith University, both of which operate major campuses in the Brisbane RA1 licence area. It also submitted it had a partnership arrangement with University of Southern Queensland (USQ), whose media students were responsible for much of the daytime weekday programming in 2019. USQ also operates campuses in Brisbane RA1. Although it did not provide details of the ‘various primary and high schools’ it had engaged with, the Licensee did provide information about occasional weekday schools-oriented programs it broadcast in 2019, *Lunchbox* and *USQ Goes back to School*, which offered:

… local high schools the opportunity to showcase their school, as well as allow their students to create and host a radio program. The segments are recorded on location at the school - and hosted by nominated students at the school. Common segments in these programs, include interviews with school principals and teachers, students developing trivia and games and also speaking on topics of interest to them.

and a

… live outside broadcast from a local high school - with the aim of engaging high school students with the radio stations and its programs. Content within these broadcasts usually includes the hosts interviewing students, teachers and school principal, games, trivia and live music from students and school-based bands.

The ACMA acknowledges that interaction with high school students via live broadcasts is a valuable mechanism for connecting with an important segment of its community interest. However, the ACMA notes these broadcasts did not appear to be part of the recurring program schedule and the Licensee did not indicate how often the programs were broadcast or how many schools were involved. The ACMA notes that, along with the entire program schedule in place at that time, these programs were discontinued in June 2020.

The ACMA notes that the Licensee did not make any detailed submissions with respect to conducting questionnaires and surveys or other structured consultations referred to in the CCS, such as workshops and seminars, or discussion forums and community meetings. However, the Licensee indicated in its submissions of 10 August 2020, that ‘in close consultation with the CBAA we are in the process of implementing their model CCS procedures and policies’.

The Licensee also submitted in August 2020:

The new management have re-implemented requests and feedback through a variety of channels including station feedback and request phone lines, SMS, social media and a new station website and have ensured that this is clear throughout the broadcast as well. Future plans include interacting with the community through live events in conjunction with community groups and to reach out to high schools and youth based community groups (once COVID-19 restrictions allow).

The ACMA acknowledges that the Licensee has developed the potential for informing itself about relevant issues within its community interest by establishing feedback channels from listeners, such as through encouraging on-air call-ins. The ACMA also notes the Licensee’s submissions with respect to a new website and new social media presences on Facebook, Twitter, and Instagram.

*Diverse program schedules*

The Participating Guidelines note that:

Licensees can often demonstrate a commitment to representing their community interest by broadcasting a range of programming that caters for the community‘s needs.

In order to ensure appropriate program diversity, licensees should:

* understand the profile of the community they are licensed to serve, for example, the linguistic diversity of a geographically-based community interest;
* identify and review their community interest‘s programming preferences on a regular basis;
* have clear policies and procedures for deciding the type and mix of programs; and
* foster ties with relevant community groups and encourage their input into the program schedule.

The ACMA notes that the Licensee made several submissions with regards to its program output. As noted above, it appears that the nature of this output has changed considerably over the course of this investigation.

Regarding the circumstances in October 2019, proximate to the lodging of the complaint, the Licensee stated:

It should be noted that while not minuted at board meetings, programming is an on-going discussion and 4YB actively engages with its program makers to determine programming. 4YB also actively engages with its partner USQ to discuss program changes. The program schedule generally changes every 3-6 months.

The CCS anticipates the operation of a programming subcommittee and notes that the Licensee’s constitution provides for the establishment of subcommittees, albeit at the discretion of and answerable to, the Board of Management. Despite the organisation’s desire and its capacity to formally establish a programming subcommittee, the Licensee advised the ACMA in October 2019 that it did not have an active programming subcommittee.

The Licensee advised the ACMA in its 16 December 2019 submission that it had made some progress toward establishing a programming subcommittee and that two members had been appointed. The Licensee also advised that in the preceding six months, it had received and approved two new program proposals. Further submissions in July 2020 indicated that ‘[a]n interim working group around programming has already been established and will be evolved over time’.

In October 2019, the Licensee provided a program schedule that included a large number of live-hosted magazine-style programs. A significant number of these programs were presented between 10.00am and 3.00pm weekdays, by media students from USQ. According to the Licensee’s submissions, these programs followed similar magazine-style formats but had varying emphases, such as pop culture, international news, local music, Christianity, living with disabilities, as well as, on occasions and as noted in the preceding section, programming targeted at and involving high school students.

The Licensee advised the ACMA on 7 July 2020, that since 28 June 2020, all hosted programming had ceased and the sole programming the Licensee was providing was an automated music playlist. The Licensee stated that the current music playlist was ‘more contemporary’ than had been the case with the preceding program schedule. This submission was refined on 17 July 2020 to advise that the playlist consisted of a ratio ‘of 11% Talk and 89% Music’. Although the impact of COVID-19 across the Australian community during the three to four months prior to 28 June 2020 was significant, the Licensee did not identify this as the reason for the substantial change in programming. In discussion with the ACMA on 7 July 2020, the Licensee indicated there was a desire amongst the new Board ‘to re-establish’ the service so that, in the future, it would be able to meet its community interest.

The Licensee’s subsequent submission on 10 August 2020 responded directly to the complaint concerning ‘hot ac’ and third-party programming:

One of the first actions of the new management was rectify the music mix to be a high rotation of new music with a high concentration from the last two years and a strong focus on new Australian content. Listener feedback mechanisms have also been implemented so that the playlist can be tuned as a result of community feedback.

[…]

The new management immediately severed the arrangement with West Bremer Radio and discussions have been held with the University of Southern Queensland to ensure that media students have a well managed outlet to volunteer at the station.

The Licensee did not provide the ACMA with a specific timeframe within which a more diverse and community-focused program schedule might commence, although its 17 July 2020 submission stated that the program output would change in the ‘coming weeks’ as the new Board ‘is currently reviewing programming with a strong focus on youth and young families’.

The ACMA notes the changing circumstances of the Licensee’s management and programming, as evidenced in its submissions across the course of this investigation. As noted above, the ACMA also acknowledges the impact of the COVID-19 pandemic and the challenges it has created for community broadcasters. Nevertheless, the ACMA has not been presented with evidence that the Licensee was actively engaging with its community of interest at the time of the complaint in ways that would have informed it of that community’s needs. Although a program schedule was in place in late 2019 that arguably addressed some of the needs and interests of the youth of the Brisbane RA1 licence area, this schedule was relatively narrow in its range. The current automated playout schedule, dominated by music, does appear, overall, to be more reflective of the musical needs of the youth community interest than its predecessor, although the ACMA notes that for programming to satisfactorily meet those needs it must include programming other than music programming.

The Licensee has conceded that it had not been representing its community interest, but that ‘since June 22 2020 the board has already taken measures to correct this breach and ensure that the station reflects the needs of the community. The direction of the station at the time of this report has been reversed with a renewed focus on our community group’.

The ACMA acknowledges the Licensee’s renewed efforts with respect to representing its community interest.

Based on the above assessment, the ACMA is of the view that at the time of the complaint, the Licensee had breached paragraph 9(2)(b) of the BSA.

Issue 2: Encouraging community participation in the operations of the licensee

Relevant licence condition

**Schedule 2**

**9 Conditions applicable to services provided under community broadcasting licences**

(2) Each community broadcasting licence is also subject to the following conditions:

[...]

(c) the licensee will encourage members of the community that it serves to participate in:

(i) the operations of the licensee in providing the service or services;

Finding

The ACMA is of the view that the Licensee did not encourage community participation in the operations of the Licensee, and accordingly has breached subparagraph 9(2)(c)(i) of Schedule 2 to the BSA.

Reasons

It is a condition of all community broadcasting licences that the licensee must encourage members of the community that it serves to participate in the operation of the service.

The Participation Guidelines states that licensees ‘encourage community participation in their operations when they have sound corporate governance practices, value and promote membership and volunteering, and have an effective and transparent committee structure’.[[1]](#footnote-1)

*Sound corporate governance procedures*

The Participation Guidelines state:

Sound corporate governance practices give communities confidence that their community broadcasting services are managed appropriately. They also enable communities to have adequate input into the decision-making that affects their services.

Examples of sound corporate governance practices include:

* policies that require office holders to declare any potential conflict of interest and to refrain from deliberating or voting on issues in which they have an interest;
* measures to prevent the concentration of control in the hands of a few individuals (for example, using a range of committees, limiting the number of proxy votes that a member can exercise and having a limited renewable term for individuals holding positions on committees or the board); and
* procedures for complying with regulatory requirements that apply to the service and its organisational structure. These include:
  + the licence conditions that apply to all community broadcasting services;
  + the obligations that apply to companies and incorporated associations under relevant Federal, State and Territory legislation for holding meetings, keeping records, and lodging documents.

In its October 2019 submission, the Licensee stated that it failed to hold an AGM for 2018, but that it had intended to hold that AGM and the 2019 AGM in February 2020. The Licensee provided minutes for its 2017/18 AGM, which indicated it had not been held until July 2019.

The ACMA notes that it is a regulatory requirement for incorporated associations to hold Annual General Meetings and that the Licensee’s constitution requires that the ‘Annual General Meeting shall be held within 3 months of the close of the financial year (December 30th)’.

The convening of AGMs is important as it allows for members to elect the Board of Management, to receive information about the business and health (including the financial health) of the organisation, and crucially, to question officers of the organisation about its management and operation. The holding of regular meetings of members is a sign of good governance.

The Licensee further advised the ACMA on 7 July 2020 that the 2019 AGM had failed to convene as anticipated in February 2020, but that a Special General Meeting had been convened on 22 June 2020 in order to hold elections for an interim Board. It is unclear whether the business of the 2018 AGM or that of the 2019 AGM (aside from the election of a Board), such as the acceptance of officers’ reports and the presentation of financial statements, has yet been conducted.

It is clear from the Licensee’s submissions that the period 2018 to 2020 has been one of significant organisational disruption.

In its August 2020 submission to this investigation, the Licensee affirmed the ‘utmost importance’ of holding its AGMs. The Licensee’s current objective is to hold its 2019/20 AGM in March 2021. As noted above, it is unclear whether the 2019 AGM has been or will be held.

*The ability to value and promote membership and volunteering*

The Participation Guidelines state:

Licensees should promote the benefits of membership to the communities they serve. Information on the membership application procedure, including the membership application form, should be freely available.

Licensees can promote the benefits of membership through:

* on-air announcements
* the licensee‘s website
* social media, such as Facebook or MySpace
* membership drives
* newsletters
* distributing brochures at community events
* notices on community bulletin boards
* advertisements or articles in the local press.

The complainant alleged that the Licensee does not maintain an active social media presence promoting or detailing information with respect to volunteer opportunities or membership.

The complainant also noted that whilst the Licensee does have a website, the website ‘contains very little information about how a person could become involved as a volunteer’.

The Licensee’s initial submission in October 2019 stated that open days and fetes, on-air announcements and the website, have been utilised as means of ‘encouraging people to be involved.’

The ACMA reviewed the Licensee’s website, subsequent to its initial submissions, and noted that it provided adequate details regarding volunteer opportunities but that further information could have been provided on the website with respect to memberships. The Licensee’s website has since undergone development and as of July 2020 provides no information about the service but asks visitors who are redirected to the single page at [www.switchbrisbane.com.au](http://www.switchbrisbane.com.au), to ‘stay tuned for details, coming soon …’.

The Licensee submitted in August 2020, that:

The new management committee has been working hard with volunteers to setup a brand new website, social media presence and membership databases […] This is part of the 90 day plan and is currently underway. Volunteers are able to join via phone or our Facebook page in the interim and signup is also consistently mentioned on-air.

The ACMA also notes the ongoing lack of a broadcast studio and of any premises. This reduces the opportunities for volunteers to undertake active roles within the organisation through the maintenance and management of such facilities. The lack of premises also reduces the capacity for members and volunteers to interact with each other, to convene subcommittees, hold fundraisers and to promote the organisation generally to external parties.

Although not relevant at the time the complaint was made, the Licensee has submitted that the COVID-19 pandemic and the consequent restriction on gatherings has led the new Board to decide ‘not to establish new studio facilities during the COVID-19 pandemic and while health restrictions remain in place’.

The Licensee further submitted:

The board of management is currently looking for new premises and studios as part of its 90 day plan and will further implement this when COVID-19 restrictions begin to ease. In the meantime, we are providing opportunities for volunteers to broadcast from remote studio locations and further rollout of this is dependent on the implementation of an NBN connection at the transmission site.

*An effective and transparent committee structure*

The complainant alleged:

There are no active sub-committees. If any sub-committees do exist “on paper”, they have not met or exercised any functions for an extended period.

Although the CCS states:

Brisbane Youth Radio has five (5) sub-committees, which meet regularly to assist them to address matters specific to their respective areas of responsibility. […] These Sub-committees constitute a formal mechanism which enables Brisbane Youth Radio to facilitate participation by members of its community interest in the operations and programming of the service.

and the Licensee’s constitution provides provisions for the establishment of subcommittees, the Licensee has conceded that there is a lack of active subcommittees:

4YB currently does not have any official sub-committees, however the management committee is in the process of implementing such committees for the purpose of programming & content, fundraising & sponsorship, volunteer and training, and technology.

Furthermore, we are liaising with commercial and industry professionals to develop these committees and training opportunities.

Although the Licensee subsequently advised that it had established a two-person programming subcommittee that was ‘a work in progress’, the ACMA notes that there is no indication that any other subcommittees have been established.

The Licensee has submitted that it is addressing these issues and that ‘further working groups are under construction or have been initially established with volunteers being actively sought in areas such as fundraising and sponsorship, administration and operations, training and technology’.

The programming subcommittee is the only subcommittee on which the Licensee has provided any detailed submissions, and those submissions are dealt with below under Issue 3.

Based on the above assessment, the ACMA is of the view that, despite having a number of objectives with respect to encouraging community participation in its operations, there is insufficient evidence that, at the time of the complaint, the Licensee met those objectives.

Accordingly, the ACMA finds the Licensee breached the licence condition at subparagraph 9(2)(c)(i) of the BSA.

Issue 3: Encouraging community participation in the selection and provision of programs

Relevant licence condition

**Schedule 2**

**9 Conditions applicable to services provided under community broadcasting licences**

(2) Each community broadcasting licence is also subject to the following conditions:

[...]

(c) the licensee will encourage members of the community that it serves to participate in:

[...]

(ii) the selection and provision of programs under the licence.

Finding

The ACMA’s finds that the Licensee did not encourage community participation in the selection and provision of programs under the licence, and accordingly, breached subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA.

Reasons

It is a condition of all community broadcasting licences that the licensee must encourage members of the community that it serves to participate in the selection and provision of programs under the licence.

*Selection of programs*

As noted above, the complainant alleged that the Licensee had no active sub-committees, and that any ‘on paper’ sub-committees had failed to meet or exercise ‘any functions for an extended period’.

The Participation Guidelines provide the following guidance on how a licensee might encourage community participation in the selection of programs:

Licensees encourage community participation in program selection by providing opportunities for their communities to have a say in programming decisions.

Licensees do not encourage community participation in program selection where all programming decisions are concentrated in the hands of one individual (station manager or program coordinator, for example) or a small group.

[…]

A common way to encourage collective decision-making about programming is for licensees to establish a program committee.

Licensees need to give some thought to the membership of their program committee. Program committee membership should not be unreasonably restricted to certain individuals, such as board members.

Program committees with restricted membership are:

* unlikely to give the community adequate opportunity to participate in program selection; and
* at risk of their program schedule not representing their community interest.

Licensees may give program committees a range of responsibilities, for example, to:

* develop and implement programming policies and procedures;
* publicise the procedure for making programming applications;
* accept and consider programming applications;
* collectively decide the programs that best reflect the needs of the community;
* ensure the program schedule remains diverse and reflects the needs of the community;
* oversee surveys of the community interest‘s programming preferences;
* revise program schedules to incorporate new programs; and
* negotiate program proposals with applicants.

As also noted above, the Licensee advised in its submissions in December 2019, that it had established a two-person programming subcommittee that was ‘a work in progress’. However, the Licensee’s submissions have not demonstrated that this subcommittee contributed to the content of the service in a way that ensured the program schedule remained diverse and reflected the needs of the community, or revised the schedule to incorporate new programs, or negotiated new program proposals. In this regard, the ACMA notes the large amount of programming sourced from USQ students and programming sourced from West Bremer Radio. This programming is discussed in more detail in the following section.

The ACMA also notes that following the shift to the broadcast of a fully automated playlist in June 2020, it does not appear that the programming subcommittee is currently contributing to the content of the service in a meaningful way. The ACMA acknowledges that the Licensee’s operations appear to be in a period of significant flux and that this has likely affected any planned rejuvenation of the programming subcommittee, including by expanding the number of members.

The Licensee’s submissions have not demonstrated that, at the time of the complaint, the programming subcommittee, as a vehicle for community participation, was contributing to the content of the service in a way that ensured the program schedule remained diverse and reflected the needs of the community, or revised the schedule to incorporate new programs, or negotiated new program proposals.

The situation currently remains ill-defined, as according to the Licensee’s August 2020 submission, the anticipated programming subcommittee continues to be an ‘interim working group around programming’ that ‘will be evolved over time’.

*Provision of programs*

The Participation Guidelines note that licensees can encourage community participation in the provision of programming by:

* giving members of the community an opportunity to produce and present programs
* being open to new programming ideas from the community
* ensuring any airtime fees are reasonable and the procedure for deciding access to airtime is fair and transparent.

Although the Licensee submitted a program schedule and program details in October 2019 that included a range of hosted programs, this schedule was dominated during weekdays by programs presented by media students from USQ. Such programs comprised the full program schedule between 10.00am and 3.00pm Monday – Friday, and all programming between 10.00am and 7.00pm on Thursdays.

The majority of the remaining programs that appear to have been hosted programs – that is, those not hosted by USQ media students – appeared to be sourced from the West Bremer Radio digital service referred to by the complainant. West Bremer Radio is an Ipswich-based digital radio service.[[2]](#footnote-2) The programs sourced from West Bremer Radio were broadcast on weekdays between 6.00am and 9.00am, and between 3.00pm and 6.00pm Monday, Tuesday, Wednesday, and Friday. Programs relayed from West Bremer Radio were also broadcast on Saturday mornings. The Licensee did not provide any detail about any of the other ‘local’ programs identified in the schedule.

The ACMA does not consider that programs sourced from another radio service can be said to be ‘local’ programs through which the Licensee encourages community participation in the provision of programs under its licence.

As noted above, submissions in July 2020 indicated that the 2019 schedule had been superseded in June 2020 by an automated playout format. As also noted above, although a programming subcommittee continues to be under development, there is no evidence that this subcommittee is actively assessing new program proposals from the community or contributing to the broadcast of a diverse schedule.

The Licensee has also confirmed that it continues to lack a studio facility and this circumstance has existed since at least 2017, although the ACMA acknowledges the Licensee has submitted it has plans to re-establish such a facility once the COVD-19 health crisis has passed.

The ACMA does not consider that the setup of home studios and a playout facility located at a transmission site is an adequate substitute for a broadcast studio which encourages a wide range of community members or volunteers to produce and present programs.

The Licensee submitted in August 2020 that:

The new board agrees that a playout facility does not translate to a community radio station. Whilst remote studios have been established, as noted previously, a more permanent arrangement for remote programming as well as studios and premises is underway. It is the intent of the current board to return to a full-schedule of live programming and volunteer involvement as part of the 90-day plan.

The ACMA acknowledges the Licensee’s desire to correct the issues identified in this investigation in the future.

The ACMA considers that the predominance of programs presented by USQ media students or sourced from West Bremer Radio, together with a lack of new program ideas from the community and an accessible studio facility, indicates that the Licensee was not adequately encouraging community participation in the provision of programming.

Considering the ACMA’s assessment of the Licensee’s encouragement of community participation in the selection and provision of programs under the licence, the ACMA is of the view that the Licensee breached subparagraph 9(2)(b)(ii) of the BSA.

1. See the ACMA’s ‘Community Broadcasting Participation Guidelines’, [www.acma.gov.au](http://www.acma.gov.au), p9. [↑](#footnote-ref-1)
2. See <https://westbremerradio.com/>, accessed 27 August 2020. [↑](#footnote-ref-2)