

## Investigation Report no. BI-000614

Summary	
<b>Licensee</b>	BEAUDESERT COMMUNITY RADIO GROUP INCORPORATED
<b>Station</b>	1150712    Beau FM    4BSR
<b>Type of service</b>	Community Broadcasting
<b>Relevant legislation</b>	<i>Broadcasting Services Act 1992</i> (BSA) <ul style="list-style-type: none"><li>&gt; Paragraph 9(2)(d) [provide the service for community purposes]</li></ul>
<b>Finding</b>	The Licensee breached paragraph 9(2)(d) of Schedule 2 to the BSA.

## Background

On 12 October 2020, the Australian Communications and Media Authority (**ACMA**) received a complaint alleging that Beaudesert Community Radio Group Incorporated (the **Licensee**) is 'not currently broadcasting'.

The complaint suggests that the Licensee is failing to comply with the licence conditions in the *Broadcasting Services Act 1992* (**BSA**).

On 2 September 2021, the ACMA commenced an investigation under section 149 of the BSA into the Licensee's compliance with the licence condition at paragraph 9(2)(d) [provide the service for community purposes] of Schedule 2 to the BSA.

## The Licensee

The Licensee has held a community radio broadcasting licence to represent the general community interest in the Beaudesert RA1 licence area since 2002.

The service operated by the Licensee is 'Beau FM' (**4BSR**).

The expiry date of the Licensee's current licence is 31 July 2022.

## Assessment and submissions

This investigation has considered the:

- > complaint received by the ACMA on 12 October 2020 (**the Complaint**)
- > evidence obtain by the ACMA through monitoring of the Licensee's broadcast frequency
- > correspondence sent by the ACMA to the Licensee by registered post in December 2021
- > attempts by ACMA staff to contact the Licensee on multiple occasions without success.

## **Issue: Is the Licensee providing a service for community purposes?**

### Relevant licence condition

#### Schedule 2

#### Part 5 – Community broadcasting licences

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

[...]

(d) the licensee will provide the service [...] for community purposes.

## Finding

The ACMA is of the view that the Licensee is not providing a service for community purposes, and accordingly has breached paragraph 9(2)(d) of Schedule 2 to the BSA.

## Reasons

The licence condition requires community broadcasting licensees to provide a service for community purposes. While the Act does not define 'community purposes', the Explanatory Memorandum to the *Broadcasting Legislation Amendment Bill (No.2) 2002*, which added paragraph 9(2)(d) to the Act, states that the licence condition is intended to:

reinforce the distinction between community and commercial broadcasting and ensure that the licensee is focused on servicing the needs of the relevant community.

Beau FM is licensed to provide a service that represents the general community interest in the Beaudesert RA1 licence area. This is the 'relevant community' for the purposes of this investigation.

To determine whether the Licensee is servicing the needs of the general community in the Beaudesert RA1 licence area, the ACMA attempted to contact the Licensee on several occasions including by registered mail, without success.

The ACMA also monitored the licensed frequency of the Licensee, as follows:

- > ACMA staff monitored the 101.5 MHz frequency between 2 and 30 September 2021 from the ACMA's Beechmont monitoring site. A service was detected but this was determined to be a co-channel transmission from Caboolture.
- > On 8 October 2021, ACMA staff drove to 4BSR's transmitter site. Monitoring at that location showed that no transmissions by 4BSR were heard on its allocated frequency. On the same day, ACMA staff visited the station office, knocked on the door to the station and did not receive an answer.

ACMA staff have not been able to access a website<sup>1</sup> or identify a social media presence for the Licensee.

On 9 March 2022, the ACMA wrote to 4BSR and provided it with a copy of the preliminary investigation report and a covering letter. The ACMA sent the report and covering letter via email and by registered post. The letter sought 4BSR's comments or submissions in relation to the preliminary investigation report by 31 March 2022.

The ACMA did not receive a response to its letter by the due date. However, the Australia Post tracking website shows that the letter was delivered on 31 March 2022.

## Conclusion

For the reasons set out above, the ACMA is satisfied that the Licensee is not providing a radio service, and accordingly, the Licensee is not providing a service for community purposes, in breach of the licence condition specified in paragraph 9(2)(d) of Schedule 2 to the Act.

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<sup>1</sup> Attempted to access <http://www.beaufm.org.au> on 15 February 2022, received error: Network Error (dns\_unresolved\_hostname)