Investigation report no. BI-000589

| Summary |  |
| --- | --- |
| **Licensee** | Consortium of Australian Media Services Inc |
| **Station** | Windsor Hawkesbury Community Radio (WHCR) |
| **Type of service** | Community |
| **Relevant legislation** | *Broadcasting Services Act 1992* (BSA)   * paragraph 9(2)(b) of Schedule 2 to the BSA [representing community interest] |
| **Decision** | Breach of paragraph 9(2)(b) of Schedule 2 to the BSA [representing community interest] |
| **Decision date** | 27 October 2021 |

Background

On 29 March 2021, the Australian Communications and Media Authority (the **ACMA**) commenced an investigation under the *Broadcasting Services Act 1992* (the **BSA**) into Consortium of Australian Media Services Incorporated’s (the **Licensee**) compliance with the licence condition at paragraph 9(2)(b) of Schedule 2 of the BSA [the licensee will continue to represent the community interest it represented when its licensee was allocated].

**Complaints**

Between November 2020 and February 2021, the ACMA received 5 complaints from 4 complainants alleging that the Licensee was not providing an adequate community broadcasting service and was not representing its community interest.

* **Complaint 1** received 25 November 2020.
* **Complaint 2** received 29 November 2020.
* **Complaint 3** received 10 January 2021.
* **Complaint 4** received 11 January 2021 (from the same Complainant as Complaint 1).
* **Complaint 5** received 11 February 2021.

In summary, these complaints alleged:

* the Licensee had no community involvement or presence in the community.
* the Licensee was difficult to contact or collaborate with.
* the content broadcast by the Licensee was mostly pre-programmed music playlists and there was no live or local content, including weather or traffic updates.

The Licensee

The Licensee held a temporary community broadcasting licences (**TCBL**), allocated for 12 months from 6 December 2019 to 5 December 2020 and again from 6 December 2020 to 5 December 2021, representing the general geographic community interest in the Windsor RA1 licence area in New South Wales. The Licensee has held consecutive TCBLs since December 2017 and currently holds a TCBL until 5 December 2022.

There were 4 TCBLs allocated for the frequency 89.9MHz in Windsor RA1, from 6 December 2019 to 5 December 2021. The ACMA determined timing conditions for each of the licences. During this period, the Licensee was authorised to broadcast continuously from midday on Monday until midnight Tuesday each week (which amounts to 1.5 days per week).

Assessment and submissions

This investigation has considered:

* complaints received by the ACMA.
* the submissions of the Licensee on 30 April (the **first submission**), 31 May 2021 (the **second submission**) and 15 June 2021 (the **third submission**).
* information provided to the ACMA by the Licensee in support of its application for a TCBL on 14 October and 30 October 2020.
* ACMA monitoring of the Licensee’s broadcasts on 17-18 May 2021 and 7-8 June 2021.
* the Licensee’s submissions in response to the Preliminary Investigation Report (PIR) dated 20 September 2021.

Other sources are identified in this report where relevant.

Is the Licensee continuing to represent the community interest?

Relevant licence condition

**Part 5 – Community broadcasting licenses**

**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

Finding

The ACMA is of the view that the Licensee is not representing the community interest that it represented at the time when its licence was allocated, and accordingly has breached paragraph 9(2)(b) of Schedule 2 to the BSA.

Reasons

What is the Licensee’s community interest?

In its application for a TCBL, received by the ACMA on 14 October 2020, the Licensee said that it intended to represent the general interest of the geographic area of Windsor RA1.

This requires the Licensee to meet the needs or interests of people who live or spend a substantial amount of time in a particular geographic area.

**What does the licensee have to do to meet this licence condition?**

The BSA does not define community interest, but states that services should ‘meet the needs of a local community.’[[1]](#footnote-2)

The ACMA considers whether a licensee is representing the community interest by assessing:

1. the way in which the service identifies and monitors the needs of the community and
2. the way in which the service’s programming responds to the needs of the community.

A How does the Licensee identify and monitor the needs of the community?

In assessing how the Licensee identifies and monitors the needs of the community, the ACMA considered the methods used by the Licensee, how the Licensee promotes the service to the community, and how it demonstrates engagement with the community.

*What methods are used by the Licensee to identify and monitor the needs of the community?*

The Licensee submitted:

‘some of the methods used by CAMS-WHCR to monitor community needs are; incoming and outgoing phone calls, emails, physical surveys and digital via internet, members feedback, advertising via local media and advertising via online industry media etc…’

The Licensee stated that its most recent method of monitoring the needs of the community was a survey conducted of 202 residents of the licence area. The survey was conducted ‘over a 12-month period between 2019 and 2020’. The Licensee also advised it had approached members of the public in 2019 at the Hawkesbury Show. From the information supplied it appears that since that survey the Licensee has relied on members of the community contacting it, to identify and monitor the needs of the community.

In response to the PIR, the Licensee stated that it ‘continuously monitors and identifies the needs of the community’ and that it’s submission only listed ‘some’ of the methods it used. The licensee did not provide evidence of how it continuously monitors the needs of the community, or evidence of the other methods it uses to monitor community needs.

The ACMA’s [Community Broadcasting Participation Guidelines](https://www.acma.gov.au/publications/2010-06/guide/community-broadcasting-participation-guidelines) (the Guidelines) note that sole reliance on a feedback telephone line and/or requests from listeners to demonstrate community need does not represent proactive action on the part of a licensee in ascertaining the needs of the community it is licensed to serve. The ACMA expects that licensees regularly identify and review the needs of their community and adjust their service to reflect the evolving needs of that community. The survey conducted by the Licensee only considers the community needs at the time of the survey, it does not demonstrate proactive and regular monitoring of the community.

Complainants in this investigation have expressed concern about contacting WHCR. One alleged that ‘trying to contact WHCR in any way has been impossible’ and another noted they could not make a complaint to the Licensee about content on air as:

‘[…] they do not have an office, a website facebook or a phone number for me to contact them. There is no-one available […]’

The ACMA is aware that the Licensee can be contacted by email and by phone. However, as noted below, without a website a community member would need to listen to the licensee until an announcement was made with the contact details on air.

The ACMA considers that, overall, the methods used by the Licensee to identify and monitor the needs of the community, including incoming phone calls, and digital via the internet have not been effective.

The ACMA acknowledges that the Licensee conducted a year-long survey concluding in 2020 which led to changes in the licensee’s music selection. However, the Licensee did not demonstrate that it had sought regular and ongoing feedback from the community about its needs. It is also unclear how the results of this survey from 2020 were implemented in practice by the Licensee, as the Licensee submitted that its programming committee and a management committee authorised the programming schedule and music selection in 2019.

The Licensee did not provide evidence of other means of identifying and monitoring the needs of the community, such evidence of responses from listeners to on air calls for feedback or evidence of programs implemented after meetings with community groups.

*Does the Licensee promote the service to the community?*

The Guidelines provide that a licensee can promote the service to the community by targeting the wider community and attracting an audience from the community.

The Licensee submitted copies of 2 pieces of advertising:

* article published on radioinfo.com.au on 27 July 2020, calling for community engagement. The article includes a mobile phone number, email address and a link to a website.[[2]](#footnote-3)
* undated banner advertising placed in ‘local Hawkesbury newspaper’. The Licensee did not provide the name of the newspaper or the date range that the advertisements ran. The ACMA notes that the email address and phone number in these advertisements are different to those in the radioinfo article.

The Licensee also submitted that it has published 39 articles or advertisements asking for community participation between 2017 and 2021, as well as ‘many more posts on social media’.

The use of advertisements to promote the service to the community can be an effective method of promoting a service to the community. However, the ACMA notes that the first article directs people to the Licensee’s website, which is inactive. Information submitted by complainants and the ACMA’s monitoring indicates that the website (www.whcr899.com) has not been active since August 2020. The URL currently directs to a Go Daddy domain holding page.[[3]](#footnote-4)

In response to the PIR, the Licensee submitted that the different email addresses and phone numbers listed in the advertisements are to make it easier for the community to contact them.

The ACMA also notes that the social media sites for the Licensee (Twitter and Instagram[[4]](#footnote-5)) have not been updated since 27 July 2020 and 31 December 2018, respectively[[5]](#footnote-6). Each account contains a very low number of posts: 11 tweets and 8 posts on Instagram. The ACMA was unable to locate a Facebook account operated by the Licensee for the service.

The ‘General operations policy’ submitted by the Licensee as part of its third submission, states that it considers its website and social media presence ‘supplemental’ and ‘not a primary focus of the service.’

Although a licensee is not required to have a website, the ACMA considers that a web presence is a strong asset to a community broadcasting licensee, as it enables it to provide the community with information about how to get involved and how the station operates, such as program proposal forms, and related policies. A website can provide a source for contact details for the station that can be accessed at any time. An online presence can also promote the existing programs and how they meet the needs of the community to encourage new listeners to the service.

In response to the PIR, the Licensee submitted that it lost access to its website and social media accounts due to the actions of individuals who deleted all accounts. The Licensee also submitted that it paused social media activity as members of the community had advised it that social media was ‘a negative impact tool which has harmed various members of the community and provides unhealthy and dangerous imaging and connotations.’

Although not identified by the Licensee in its submissions, the ACMA listened to announcements on air made by the Licensee calling for volunteers.[[6]](#footnote-7) These announcements provided an email and phone number and encouraged interested listeners to contact the station. This promotion relies on potential volunteers to be already listening to the station and does not reach the wider Windsor RA1 population.

The Licensee does not promote itself to the community very prominently. It has a dormant website and social media presence. While it does broadcast announcements calling for volunteers, there are limited easily accessible means for interested community members to contact the Licensee: two email addresses and two mobile telephone numbers.

*Does the Licensee demonstrate engagement with the community?*

The Guidelines note that in engaging with the community, licensees should consider maintaining links with relevant community groups, allowing community organisations to have input in the program schedule, being active in the local community (such as through outside broadcasts at local events) and allowing a cross-section of the community, rather than a few individuals, to make decisions.

Complainants submitted that:

‘[The Licensee has] NO community involvement, active studio […]’

‘No community involvement. No organisation or interest in the Hawkesbury community’

‘[The Licensee] has not initiated any community focused events, nor reached out to anyone else in the community’.

‘We in the Hawkesbury have a radio station that on Monday and Tuesday we are unable to contact. Whether it is to get a weather update, give a traffic report to send out to other listeners’

*Outreach and links to community*

The licensee submitted a copy of its ‘Community Participation and Engagement Policy’ in its third submission. The policy states that:

‘our policies and procedures will include mechanisms to enable active participation by our community in station management, programming and general operations’.

The Community Participation and Engagement Policy is evidence of the Licensee’s intention to seek to engage with its community of interest.

However, the Licensee’s Community Participation and Engagement Policy does not include any mechanisms or specific strategies used by the Licensee to engage with the community, such as outreach strategies for approaching community groups or for conducting outside broadcast events.

In the broadcasts that the ACMA listened to from 17-18 May 2021 and 7-8 June 2021, the Community Service Announcements appeared to mostly involve NSW Government information or national campaigns. The ACMA did not hear any Community Service Announcements for local organisations based in Windsor RA1. The ACMA did not hear any community information about local events.

In submissions to the PIR, the Licensee stated that it had ‘working relationships’ with the 5 community organisations in the Hawkesbury, […] the local Aboriginal representative organisation […] with woodwork groups, with arts and crafts groups etc [...] with the Police Local Area Command and with the Hawkesbury Rural Fire Service Headquarters.’

The Licensee has not identified in any of their submissions evidence of involvement of community organisations in providing input to the program schedule, or provided any evidence of outside broadcasts, studio open days or other similar events in partnership with these organisations.[[7]](#footnote-8)

*Input to decision-making*

The Licensee has described its organisation structure as follows:

‘The WHCR Service is an autonomous service with its own elected committee of management and sub committees and membership. It is under the umbrella of the CAMS legal entity. CAMS does not interfere […] except in matters of guidance and conformity with the various laws […]’ [[8]](#footnote-9)

(ACMA emphasis).

The TCBL application describes CAMS and WHCR as operating as separate bodies, where, for example ‘CAMS has guided WHCR’ to create an airtime form.[[9]](#footnote-10)

The ACMA understands this to mean that there are three levels of governance in the organisation:

* The board of Consortium of Australian Media Services Inc (CAMS), with officeholders as set out in the Licensee TCBL Application.
* The management committee of WHCR, which is elected separately to the board of CAMS.
* Sub-committees of the WHCR management committee, including Programming, Technical, Treasury, Community Participation Promotions Committee and Membership and Sponsorship.

In the ACMA’s view, the Licensee’s structure as described across the submissions, would enable the community to engage in decision making, as local community members can be elected to the WHCR management committee and participate in the WHCR sub-committees. The Licensee also submitted that the WHCR committee and sub-committee is to be populated from the membership base of WHCR, and people from within the licence area should be the majority.

On 15 April 2021, to assess how the committee structure operates to engage with the community in practice, the ACMA requested that the Licensee provide ‘details of the membership of all committees, including minutes of the most recent AGM where members of the committee for the ‘autonomous’ service ‘Windsor-Hawkesbury Community Radio’ (WHCR) were elected’.

The Licensee submitted that due to damage to its computers, it was unable to provide this information by the requested deadline. The ACMA acknowledged this and requested this information again on 18 May 2021. This information was not provided in the Licensee’s second submission of 31 May 2021.

The Licensee was unable to provide copies of AGM minutes or other minutes of meetings of these committees. The Licensee did not provide evidence of membership of these committees, whether they are elected or appointed, and for what term. The Licensee did not provide evidence of the community having input into decision-making through these committees, or of committees responding to input from the community or community groups through meeting minutes. The Licensee was not able to demonstrate evidence of adequate community engagement in the decision-making of the station.

The ACMA has significant concerns that the Licensee was not able to produce the details of the committees, and particularly the minutes of the most recent AGM. The ACMA would expect that minutes of an AGM would be circulated between members of at least the elected Management Committee, and preferably the membership base and therefore would be recoverable from multiple sources. The Licensee also did not provide any detailed information about any committees, including the autonomous WHCR committee or other sub-committees such as programming committee.

In response to the PIR, the Licensee submitted that it employed best practice procedures for its data storage, including its emails. It does not rely on external cloud products for security reasons. The Licensee used IMAP email systems, meaning there were no independent downloads of its emails, and its back up drive was unable to be recovered following flood damage.

Damage to computers should not prevent the Licensee from producing information about the number of members in each of these committees, names or dates elected, or general information about committees and their responsibilities. This information should be accessible by the Licensee and well known enough by the Licensee for it to produce a written description on request from the ACMA.

The Licensee has not demonstrated that the community, through an independent WCHR management committee, or through other means, has any input into the decision making of the organisation.

The Licensee has submitted that as of 30 April 2021, there were 12 people involved in the production of programming. The ACMA notes that this is a significant decrease from the 30 reported in October 2020. The Licensee has submitted that a number of its volunteers are not interested in presenting, and would prefer to work in off-air roles, such as production.

Taking into account the available evidence regarding the Licensee’s connections with the community, the ACMA concludes that it has not demonstrated adequate levels of engagement with the community.

***Conclusion – identifying and monitoring the needs of the community***

The Licensee has not demonstrated that it is effectively identifying and monitoring the needs of the community, it does not promote itself to the community very prominently, and it has not demonstrated adequate levels of engagement with the community.

As a result, the ACMA’s conclusion is that the Licensee does not adequately identify and monitor the needs of the community.

B How does the Licensee’s programming meet the needs of the community?

In assessing how the Licensee’s programming meets the needs of the community, the ACMA considered whether the Licensee provides a diversity of responsive programming and whether the licensee covers local events and issues.[[10]](#footnote-11)

*Does the licensee provide a diversity of responsive programming?*

Diversity of responsive programming requires licensees to have policies in place to decide the type and mix of programming, identify community needs and programming preferences on a regular and ongoing basis, and to have a varied and representative program schedule.

*The Licensee’s programming policies*

In its third submission, the Licensee provided a copy of the Programming policy for the service. The policy establishes that programs on its broadcast schedule must be approved by the ‘relevant committee’ (which the ACMA understands to be the Programming Committee, unless it is unable to do so, in which case the responsibility falls to the WHCR Management Committee). The policy applies priority levels to programs, with the highest priority going to ‘Fully or partly live and locally produced content by members.’

The Programming policy outlines that the program grid is ‘semester based’ to provide more opportunities for volunteers. Additionally, the policy states that music broadcast to the ‘general community’ should be ‘eclectic mix of music from 70s until today’.

The Licensee has demonstrated that it has appropriate policies in place to decide the type and mix of programming that reflect the community interest.

*Identifying needs and programming preferences*

The Licensee has submitted that its most recent outreach to identify community needs was the survey conducted over 2019-2020 and discussed earlier in this report, which led to a ‘total change’ of what went to air, shifting from ‘60s 70s and 80s’ to ‘Country music, top50 and easy listening’.

The Licensee also advised that feedback from the public at the Hawkesbury Show in 2019 resulted in it implementing weather and traffic in its drive programs and working with other TCBLs in providing local weather, traffic, and news.

The Licensee advised that the current programming schedule was authorised by the programming committee in 2019. The Licensee was unable to provide the minutes reflecting this decision due to damaged computer hardware.

The ACMA considers that the licensee has not demonstrated that it is identifying the needs and preferences of the community on a regular basis and updating the programming schedule to meet those needs.

*Varied and representative programming schedule*

To ensure appropriate program diversity, a licensee should understand the profile of the community it is licensed to serve, for example the linguistic or cultural diversity of the geographic area,

For the Licensee to demonstrate it has a varied and representative program schedule, the ACMA would expect it to broadcast a range of programming that caters for the community needs.

In relation to the Licensee’s on-air content, the complainants submitted:

‘WHCR CAMS has no presenters or organization for [other community groups] to work with or contact’

‘WHCR do not have a presenter they transmit music for one and half days,’

‘they repeat the same music tracks each week’

‘Their allotted air-time is often blank, or at least at best, just a pre-recorded program of music that repeats’

The Licensee was asked on two occasions to provide the current programming schedule[[11]](#footnote-12). The Licensee provided the names of 8 programs and short descriptions, mostly of the music genre of the show. The Licensee indicated that these shows are on ‘rotation’ and that 2 were on break. The Licensee did not provide a current program schedule of what content is to go to air and at what time.

The ACMA has significant concerns that the Licensee was not able to provide a broadcast schedule. The Licensee should be able to demonstrate that it has a structure and a plan for the content going to air. It should not be onerous for the Licensee to provide this information.

The Licensee submitted that at various times, the program schedule is not adhered to stringently, as issues can arise such as presenter illness. The ACMA accepts that a level of flexibility due to volunteer availability is expected in a community program schedule. The ACMA does not accept that this means the Licensee cannot provide a current programming schedule which sets out what is expected to be broadcast.

The Licensee listed the following programs in its second submission:

Table 1

|  |  |
| --- | --- |
| Program name | Description provided by Licensee  (scheduling information including day/time or length of program was not provided) |
| Hawks Views | Local interviews with residents, politicians, or events |
| Drive | General local programming for drive times |
| Australian Country | 100% Australian Country music content |
| Urban Meltdown | Soul and RnB latest underground nonmainstream music |
| Hot30 (program) | Top 30 show |
| The 11th Hour | Late night easy listening programming |
| Glorious Gospel Show | Religious Christian programming (on break) |
| Currently on LSD | Local rock and indie bands and satire/comedy (on break) |

The Licensee also submitted that it had new shows lined up for the future but did not provide further details.

Without a copy of the schedule, the ACMA considered the content broadcast by 89.9MHz frequency from 12:00:00pm on 17 May 2021 to 23:59:59 on 18 May 2021 and 12:00:00pm on 7 June 2021 to 23:59:59 on 8 June 2021 (the sample period), to assess whether the broadcast provided varied and diverse content.

Over the sample period the Licensee played predominantly pre-recorded music, with minimal spoken word, or live or local content. For example, the ACMA closely monitored the following sample times, and made the following observations:

* *12:00– 14:00* on 17 May 2021
  + During this period, the ACMA did not hear any news, weather or traffic. There was no live presenter. The music was of mixed genre and interest. No sponsorship announcements were heard. Several Community Service Announcements (CSA) were heard including campaigns from NSW Government.
* *07:00– 09:00* – 18 May 2021
  + During this period, the Licensee did not broadcast any news, weather or traffic. There was no live presenter. The music was of mixed genre and interest. No sponsorship announcements were heard. CSAs included several NSW Government campaigns. The ACMA did not hear any programming that appeared to be Hawks Views program or the 11th Hour program, included in Table 1 above, in any of the sample periods.

The ACMA identified the following distinct programs during the sample period:

* A drive program (approximately 16:00-18:00 Monday) [[12]](#footnote-13)
* Australian Country (program) (Australian Country) (approximately 15:00-18:15 Tuesday)
* Urban Meltdown (approximately 18:20 – 20:10 Tuesday)
* Hot 30 (program) (approximately 20:10 – 23:00 Tuesday)

Outside of these times, the Licensee appeared to only play pre-programmed or playlisted music, station IDs and CSAs, with no live presenter, weather or news. Of the 36 hours that the Licensee was on air in a week during the period when the complaints were made, it appeared at least 25 of those consist of playlisted music with no presenter. Only 2 hours of programming a week appeared to be live.

Other than during the Drive programming, the ACMA did not hear any local content including news or other information in these programs. The drive program appeared to be the only program with a live and local presenter.

The three programs monitored by the ACMA during the sample period all related to specific music genres (Country, Top 50 charts and RnB) and contained no material of local significance.

The Licensee does not appear to have a programming schedule which is varied and representative of the community, as the majority of content is automated music playlists.

The Licensee submitted that: ‘a few shows that were meant to air with us were sabotaged […] it is likely that coincidently at the times the ACMA listed [sic] that our people were sick or not able to go to air for whatever reason, We don’t believe arbitrary analysis is fair.’

The Licensee did not identify which shows were supposed to go to air in the times identified but were ‘sabotaged’.

Taken together, the Licensee’s approach to identifying community needs and programming preferences and its lack of a varied and representative program schedule, and despite the appropriate programming policies, leads to the conclusion that the Licensee does not provide a diversity of responsive programming.

*Does the programming cover local events and issues?*

‘The last two weeks Cams have had the same news given every half hour which was old news […] They do not have the weather or any traffic incidents […]

‘no weather reports, no traffic just music’

To assess whether the programming covered local events and issues, the ACMA considered the content of the programs during the sample period and whether there was coverage of local events, local news and information, and reporting and analysis of local issues.

The Licensee has submitted that all programs are created by CAMS-WHCR members. The ACMA requested the Licensee make specific submissions on this matter, as the ACMA understood many of the programs to be syndicated programs, also available on other services. In additional materials submitted with its TCBL application in October 2020, the licensee described Australian Country, Hot 30 (program), and Urban Meltdown as being partly created specifically for WHCR and partly created by members of WHCR.

The Licensee also submitted that the presenter records specific community service announcements and specific weather updates for WHCR. During the Australian Country programs in the sample period, the ACMA heard pre-recorded ‘WHCR’ station ID announcements by the presenter and calls for volunteers at the station. During the periods monitored by the ACMA, the ACMA did not hear any weather updates for the Windsor region, or community service announcements for local organisations read by the presenter.

In submissions to this investigation the licensee described the process to create the program, Australian Country, as the presenter edits and records the program in a number of segments to be compatible with WHCR systems, then WHCR volunteers compile the programming together and schedule it.

The Licensee submitted recordings by the Australian Country presenter, which promoted:

* participation with the station, including becoming a presenter
* Spring school holiday events run by Hawkesbury Library operating ‘this Monday 20 September’
* Hawkesbury City Council focus groups in September - October 2021.

It appears from the content of the program broadcast by the Licensee on 18 May 2021, that the program was a re-broadcast of content from the week of 27 March 2021.[[13]](#footnote-14) During this program, the presenter interviewed musicians and asked them about their intention to tour in the Canberra region, noting if a show was within a certain distance of Canberra, the presenter could add it to a gig guide calendar. The presenter did not refer to the Windsor region.

In the sample period, the ACMA did not hear any local weather, news or discussion of local issues or events relating to Windsor RA1.

The Hot 30 (program) is a countdown program. According to the show’s website, it can be heard on over 30 stations, including WHCR. Program recordings are available on the show’s website. The ACMA did not identify any differences between the recorded program available on the show’s website, and the program on air on WHCR on 18 March 2021. Additionally, at the end of the program during the sample period, there was an announcement that stated:

‘The Hot 30 (program) is produced for the [name of radio network] …’ (22:56, 18th May 2021).

As a result, the ACMA concludes that this program is not locally produced content and does not cover local events and issues.

Urban Meltdown is described on the program’s Spotify playlist page as ‘fully international syndicated Urban Meltdown Radio show daily at [name of radio website].com or on over 200 stations across the globe’. Another website lists this same website as the program’s ‘home station’. However, the end of the program during the sample period contains a pre-recorded announcement by the host, encouraging listeners to keep listening to WHCR. Nonetheless, the ACMA was not provided with evidence that this program covers local events and issues.

During the sample period, the programs Australian Country, Hot 30 (program) and Urban Meltdown did not include local news, weather, traffic, or discussion of material specifically relevant to the Windsor RA1 licence area.

During the Drive program during the sample period, the ACMA heard local traffic and weather announcements and the presenter appeared to be reading news from a local newspaper and news website.

While the Licensee had an appropriate amount of local traffic, weather and news during the Drive programs sampled in this investigation, the ACMA is concerned that there was no coverage or discussion of local events or issues in any of the other programs during the sample period.

In response to the PIR, the Licensee submitted that:

‘the idea that “News Weather and Traffic” must constantly be aired in all programs is a fallacy. We also don’t believe that every program must talk about local issues […] Just having the content that the community is asking for in certain cases is meeting the community needs.’

The ACMA accepts that news, weather and traffic are not required in all programs. The Licensee however reported that one of the biggest takeaways from its attendance at the Hawkesbury Show in 2019 was the need for localised traffic and weather reports.

The ACMA considers the limited provision of this information, in conjunction with the lack of other local information or coverage of local events across the broadcast period, supports the view that the Licensee does not adequately cover local events and issues.

*Conclusion – meeting the needs of the community*

As the Licensee does not provide a diversity of responsive programming, and does not adequately cover local events and issues, the ACMA’s conclusion is that its programming does not meet the needs of the community.

Conclusion

Based on the above reasons, the ACMA is of the view that the Licensee is not adequately identifying and monitoring the needs of the community and its programming does not adequately reflect or respond to the needs of the community.

The ACMA is therefore of the view that the Licensee is not representing the community interest that it represented at the time when its licence was allocated in 2019 and 2020. Accordingly, the ACMA finds that the Licensee has breached paragraph 9(2)(b) of Schedule 2 to the BSA.

1. Explanatory Memorandum [↑](#footnote-ref-2)
2. https://radioinfo.com.au/news/whcr-fm-seeking-public-and-community-engagement accessed 3 June 2021. [↑](#footnote-ref-3)
3. www.whcr899.com accessed 3 June 2021 [↑](#footnote-ref-4)
4. www.twitter.com/whcr899andwww.instagram.com/whcr899 accessed 3 June 2021 [↑](#footnote-ref-5)
5. As at 3 June 2021 [↑](#footnote-ref-6)
6. ACMA Monitoring 17 May 2021 [↑](#footnote-ref-7)
7. The Licensee indicated that it attended the Hawkesbury Show in previous years (not identified) and received feedback from the public. The Licensee did not indicate or provide evidence that it held a stall or an outside broadcast at this event. [↑](#footnote-ref-8)
8. Licensee TCBL Application [↑](#footnote-ref-9)
9. Licensee TCBL application [↑](#footnote-ref-10)
10. The ACMA’s Community Broadcasting Participation Guidelines state that providing a diversity of responsive programming and covering local events and issues are ways in which a Licensee can represent the community interest. [↑](#footnote-ref-11)
11. ACMA letters of 8 April and 18 May 2021. [↑](#footnote-ref-12)
12. All times are approximate as program start and end times varied from week to week. [↑](#footnote-ref-13)
13. The presenter refers to ‘this week’s’ Country Songs Top 40 Australian Airplay Charts. The chart referred to is for the week 27th March 2021. [↑](#footnote-ref-14)