



Beach FM – Caloundra

Broadcasting of advertisements and breach of a licence condition

The complaint

The ABA received a complaint alleging that the service, a holder of a temporary community radio broadcasting licence, had breached the *Broadcasting Services Act 1992* (the Act) and that it was in breach of a special timing condition imposed on its transmitter licence.

view of the steps taken by the licensee to rectify the matter, and the fact that no previous breaches have been recorded against this licensee, no further action was taken by the ABA in relation to the breach of the of Paragraph 9 (1)(b). In view of conflicting advice given to the licensee in relation to its transmitter licence, the ABA decided to take no further action.

Relevant legislation



9 Conditions applicable to services provided under community broadcasting licences

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

...

(b) the licensee will not broadcast advertisements, and the licensee will not broadcast sponsorship announcements otherwise than as mentioned in subclause (3);

The decision

The ABA determined that the licensee breached Paragraph 9(1)(b) of the Act because it had broadcast an advertisement. In addition the ABA determined that the licensee had breached a special timing condition.

Action taken

The licensee advised the ABA that it had conducted additional training for the broadcaster concerned and circulated a memo to all station broadcasters reminding them of their responsibilities under the licence conditions. In