

The full reports on these investigations into potential breaches by licensees are on the ACMA website, www.acma.gov.au. Go to ACMA > Publications > Broadcasting > Investigations and then Radio operations and Television operations. The reports are arranged in order of licensee.

Groove FM's new licence conditions now in force

Additional licence conditions imposed by ACMA on Perth youth community broadcaster Groove 101.7 FM, came into force from 1 May 2006. Groove 101.7 FM is provided by Youth Media Society of

Western Australia Inc (YMS). The licence conditions are to ensure that Groove FM provides a range of programming that reflects the interests of the broader Perth youth community, and

encourages members of the youth community to participate in the programming and operation of the service.

YMS was allocated a permanent community broadcasting licence in October 2002 and commenced full-time operation as Groove FM on 1 March 2003. DMG Radio Australia (DMG) made a complaint to ACMA's predecessor, the ABA, about Groove FM on 30 June 2003.

After considering DMG's submission and monitoring sample broadcast periods on Groove FM, the ABA began an investigation on 31 July 2003, which it finalised in August 2004. In light of its investigation findings, the ABA decided to impose conditions on YMS's licence, originally scheduled to commence on 1 January 2005. In December 2004, YMS sought a review in the Administrative Appeals Tribunal of the ABA's decision to impose conditions on its licence.

ACMA negotiated a settlement with YMS about the licence conditions in April

2006. Under the terms of settlement, the conditions relating to music and talk programming have been simplified and amended, while retaining the intent of the original conditions. Conditions that have been satisfied already have been deleted. The conditions are largely the same as the original licence conditions and are intended to address problems in the areas of corporate governance, representation of community interests and community participation.

YMS must provide a financial report for the financial year 2005–06 to ACMA by 1 October 2006 and within seven months of the commencement of the licence conditions, YMS is to provide a report to ACMA that includes, among other things, a statement setting out how the licence conditions have been complied with during the six months from commencement.

The licence conditions and the ABA report are on the ACMA website at www.acma.gov.au.

Key licence conditions to be met by YMS

CORPORATE GOVERNANCE

- Ensure that all members of the committee of management have been validly elected
- Members of the committee of management may not hold the position of station manager
- Establish procedures to ensure that members of the committee of management understand the various legislative and other requirements that apply to the association and to the broadcasting service
- Establish procedures to ensure proper scrutiny, and proper records are kept, of the association's affairs, including the association's business activities and financial arrangements

REPRESENTATION OF COMMUNITY INTERESTS AND COMMUNITY PARTICIPATION

- Establish a sub-committee to encourage and arrange access by members of the community to YMS and all its operations
- Broadcast an average of four Australian music items per hour during each eight-hour period commencing 6.00 am, 2.00 pm and 10.00 pm
- Ensure that an average of 20 per cent of the programming broadcast between 6.00 am and midnight is talk programming
- Broadcast on-air announcements at specified intervals inviting listeners to become members of YMS and to participate in the music and talk programming of Groove FM

2BCR Bankstown community radio broadcast advertisements

ACMA has found that Bankstown City Radio Co-operative Ltd, the licensee of community radio service 2BCR Bankstown, breached the *Broadcasting Services Act 1992* by broadcasting advertisements.

On 6 February 2006, ACMA received a complaint concerning material broadcast by 2BCR Bankstown. The complainant alleged that on 3 February 2006 the licensee of 2BCR, had broadcast

advertisements during the program Dosti, and exceeded the five-minute hourly limit on sponsorship announcements.

ACMA has found that:

- the licensee of 2BCR Bankstown breached clause 9(1)(b) of Part 5, Schedule 2 to the *Broadcasting Services Act 1992* in that it broadcast advertisements for a concert, a money-transfer business and a sports business and

- the licensee did not breach clause 9(3)(b) of Part 5, Schedule 2 to the Act in relation to time limits on sponsorship announcements.

To address the compliance issues raised by the breach finding, the licensee has taken action including issuing the presenter with a warning, exploring funding possibilities for trainers, and requiring presenters to pre-record all sponsorship announcements and have them

approved by management. ACMA considers these actions adequate to address the compliance issues raised by the investigation and will continue monitoring the licensee's performance.

The report of the investigation is on the ACMA website at www.acma.gov.au (go to ACMA > Publications > Broadcasting > Investigations > Radio operations).