



Two community radio services breached licence conditions

ACMA has found that the licensee of 8TOP, Charles Darwin University, breached conditions of its licence by broadcasting advertisements, and failing to encourage members of the community it serves to participate in the operations of the service and the selection of programs. Armidale Community Radio Cooperative also failed to encourage community participation.

Charles Darwin University holds a community broadcasting licence to provide a community radio broadcasting service for Darwin.

Following three complaints, ACMA found that 8TOP did not have adequate measures in place to encourage community participation. At the time of the investigation, 8TOP had a number of active volunteers and some committees for community input into decision-making.

However, information about how members of the community could become involved was very difficult to find and invitations were worded in a way that was likely to discourage involvement. In addition, 8TOP's published policies indicated that the community did not have significant input into the selection of programs for the service, except in a limited way through playlist feedback on 8TOP's website.

ACMA's view is that this licence condition is a key characteristic of community broadcasting services and non-compliance is a serious matter. 8TOP has agreed to a range of measures to promote compliance and will report to ACMA on its progress. ACMA will take any further non-compliance particularly seriously and would consider formal enforcement action.

ACMA also found that 8TOP broadcast advertisements in August and September

2007. The advertisements included promotional material presented during the program *Territory Talk* and announcements for the Workplace Information Line.

Community radio stations are prohibited from broadcasting advertisements but may air up to five minutes of sponsorship announcements in any hour. Such announcements must include an appropriate acknowledgment of financial support—a 'tag'.

8TOP has discontinued its *Territory Talk* show and has implemented policies to ensure it properly tags sponsorship announcements. ACMA is satisfied that this breach arose from the licensee misunderstanding its obligations and is confident that 8TOP will seek to comply with this condition in the future. Compliance will be monitored over the next twelve months.

Two of the complaints also alleged that the service was failing to represent the community interest; however, ACMA found that the licensee met the requirements of this licence condition. ACMA renewed 8TOP's licence for a period of five years beginning on 2 August 2008.

ACMA also found that the licensee of temporary community broadcasting service Armidale Community Radio Cooperative Ltd, broadcasting in northern NSW, breached a condition of its licence by failing to encourage

members of the community it serves to participate in the operation of the service and selection of programs.

Following a complaint on 20 February 2008, the investigation found that the licensee provided only limited opportunities for members of the community to participate in the operations of the service—particularly decision-making processes.

While the licensee was able to demonstrate that it had actively encouraged community members to participate as presenters, it was unable to provide evidence to show compliance with the licence condition to encourage community participation in the selection of programs.

The licensee has given ACMA examples of remedial action it has taken and advised it is 'looking forward to ... greater community participation'. As the temporary community broadcasting licence expires on 3 October 2008, ACMA has asked the licensee to provide a compliance report by 15 October for the period 1 July to 30 September.

Copies of the investigation reports are available on the ACMA website at <www.acma.gov.au> (go to About ACMA: Publications & research > Publications > Broadcasting publications > Investigations > Radio operations investigations).