

Groove FM licence not renewed

ACMA has not renewed the community radio broadcasting licence held by Youth Media Society of Western Australia Inc. (YMS). YMS provided the service known as Groove FM for the youth community of Perth. The licence expired at midnight on 28 February 2008.

In assessing the licence renewal application from YMS, ACMA found significant corporate governance problems. The seriousness of these problems, combined with YMS's poor history of compliance with its licence obligations over several years, led ACMA to conclude that YMS does not have the management capacity to provide the necessary service. ACMA is also of the view that the station's narrow music programming did not adequately meet the needs of the broader youth community of Perth.

YMS did not demonstrate to ACMA that it has the management capacity to represent its community interest or encourage participation both in the operations of the service and in the selection and provision of programs. YMS did also not comply with additional licence conditions relating to Australian music content, on-air announcements, maintaining the access committee and financial record-keeping.

YMS has been investigated twice since Groove FM commenced in March 2003. The first investigation in 2003–04—undertaken by the Australian Broadcasting Authority (ABA), ACMA's predecessor organisation—resulted in the imposition of additional licence conditions on YMS in May 2006. During the second investigation in 2007, ACMA found breaches of the additional licence conditions, which resulted in the issuing of a remedial direction under section 141 of the *Broadcasting Services Act 1992* (BSA).

ACMA is responsible for ensuring that broadcasting spectrum, which is a valuable and scarce public resource, is used in a manner that best promotes the public interest, as outlined by the BSA. YMS has not performed at the level and with the outcomes expected of community broadcasters.

YMS will be able to apply for a three-month

temporary community broadcasting licence, which will mean the service will not go off air in the immediate future. Further, under a temporary community broadcasting licence, the additional licence obligations cease to apply; YMS will therefore have the chance to reconsider its community of interest and demonstrate that it can encourage participation in the operations of the station.

However, YMS will need to share the frequency if, at some stage, there are other aspirant community broadcasters in the licence area who are also interested in providing a community radio broadcasting service.

Community broadcasting licences are issued for five years. Under the BSA, ACMA has discretion to review a community broadcasting licence when it is due for renewal.

The reports of the ABA's investigation in 2003–04 and ACMA's 2007 investigation can be found on ACMA's website at <www.acma.gov.au> (go to About ACMA: Publications & research > Broadcasting publications > Investigations > Radio operations investigations > Radio operations – WA community radio investigations).

Radio reception to improve in Noosa and Tewantin

ACMA has varied the technical specifications of Gympie commercial radio services 4GY and 4NNN to improve coverage and reception of their translator services in the Noosa/Tewantin area of Queensland.

The changes are included in the revised licence area plan for Gympie radio, released in February, which also makes channel capacity available for the existing national radio service 4PNN on 94.5 MHz at Gympie.

The variation to the licence area plan allows 4NNN to increase the antenna height and power of its main transmitter and to change the antenna radiation pattern. The 4NNN main transmitter at Gympie will operate with maximum effective radiated power (ERP) of 3 kW, while channel capacity for a 4NNN translator at Noosa/Tewantin will be removed.

The variation also provides an FM frequency at Noosa/Tewantin for 4GY on 107.1 MHz with a

maximum ERP of 200 W. The licensee has been unable to find a suitable site for its planned AM translator service and ACMA believes that the identified frequency of 107.1 MHz is a suitable alternative. 4GY has been testing the use of this frequency for some time.

The variations will allow the national and commercial radio broadcasters to provide better services to their listeners in the Gympie area.

ACMA prepares licence area plans under section 26(1) of the *Broadcasting Services Act 1992* and may vary licence area plans under section 26(2) of the Act.

A licence area plan determines the number of broadcasting services and characteristics, such

as technical specifications, that are to be available in particular areas of Australia using the broadcasting services bands.

The former Australian Broadcasting Authority (ABA) determined the Gympie licence area plan in 2000. The licence area plan provided for two commercial radio services in Gympie—4GY and 4NNN. The ABA varied the Gympie licence area plan in November 2001 to provide an AM translator in Noosa/Tewantin for 4GY and an FM translator in Noosa/Tewantin for 4NNN.

The variation to the licence area plan for Gympie radio is available on ACMA's website at <www.acma.gov.au> or by calling Freecall 1800 810 241.