



The ABA has imposed strict licence conditions on Perth youth community radio service Groove FM. The conditions are to ensure that YMS provides a diverse range of music and talk programming, that it continues to play a high level of local and Australian music, and that it actively invites Perth youth to participate in the service.

Licence conditions for Groove 101.7FM

The ABA has imposed strict licence conditions on Perth youth community radio service Groove 101.7FM. The service is provided by Youth Media Society of Western Australia Inc. (YMS).

The key licence conditions are intended to ensure that Groove FM provides a range of programming that caters for the interests of the broader Perth youth community, and that it encourages members of the youth community to participate in the service. The licence conditions commence on 1 January 2005.

'YMS was allocated a licence to provide a service for all the youth of Perth, not just for those interested in urban and dance music', said Lyn Maddock, Acting ABA Chair. 'The conditions will ensure that YMS provides a diverse range of music and talk programming, that it continues to play a high level of local and Australian music, and that it actively invites Perth youth to participate in the service – not just as volunteers, but as members of YMS who can be involved in decision making about the fu-

ture and direction of both Groove FM and the licensee association.'

Other conditions imposed by the ABA will address significant deficiencies in the corporate governance of YMS. In particular, the conditions require YMS to improve its financial and administrative procedures so that YMS is run in accordance with basic standards of accountability, transparency and openness.

The ABA's decision to impose licence conditions follows an investigation by the ABA of YMS. The ABA's findings are contained in its investigation report which was published in August 2004.

Groove FM

Youth Media Society of Western Australia Inc was registered under the *Associations Incorporation Act 1987* (Western Australia) on 29 June 2001. It commenced test broadcasts using the name Groove FM under a temporary community broadcasting licence on 2 July 2002.

YMS was allocated a permanent licence on 24 October 2002

and commenced full time operation on 1 March 2003.

On 30 June 2003, DMG Radio Australia made a complaint to the ABA about Groove FM. After considering DMG's submission and monitoring sample broadcast periods on Groove FM, the ABA commenced an investigation on 31 July 2003.

Community broadcasting services

The Broadcasting Services Act provides for a number of different categories of broadcasting services. These include community broadcasting services, commercial broadcasting services, subscription broadcasting services, and open and subscription narrowcasting services.

The key defining characteristics of community broadcasting services are that

- they must be provided for community purposes and
- they may not be operated for profit or as part of a profit-making enterprise.

In contrast to commercial broadcasters who must bid for their licences at auction, community broadcasters are given

free access to broadcasting spectrum to provide services that meet the needs and interests of the communities they have been licensed to serve.

The Broadcasting Services Act sets out a range of conditions applying to community broadcasting services that are intended to ensure that community broadcasters meet their obligations to their communities.

In particular, a community broadcaster is required to:

- continue to represent the community interest that it represented at the time the licence was allocated and
- encourage members of the community that it serves to participate in the operations of the licensee in providing the service and the selection and provision of programs under the licence.

Licence conditions

The licence conditions and the ABA's report are available at <http://www.aba.gov.au/radio/investigations/projects/grooveFM/index.htm>.



Summary of key licence conditions

The licence conditions imposed on YMS are intended to address problems in the areas of corporate governance, representation of community interests and community participation. The key licence conditions follow.

Corporate governance

- YMS to 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
- YMS to 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
- YMS to 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
- YMS to devise and implement an appropriate conflict of interest policy.

Representation of community interests and community participation

- YMS to establish a sub-committee to encourage and arrange access by members of the community to YMS and all its operations
- YMS to increase its Australian music content to not less than 35 per cent of all music items broadcast between 6 am and midnight
- YMS to increase its talk programming content to not less than 25 per cent of all programming between 6 am and midnight within three months of the commencement of the licence conditions, and not less than 35 per cent of all programming between 6 am and midnight within six months of the commencement of the licence conditions
- YMS to 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

Reporting requirements

YMS is to provide quarterly reports to the ABA that include:

- statements setting out how the licence conditions have been complied with in the previous three month period and how they will be complied with in the next three month period
- management accounts for the three month period prepared jointly by YMS's book keeper and a qualified accountant, and reviewed by YMS's auditors. The accounts to consist of a statement of financial performance receipts and expenditure) and a statement of financial position (balance sheet)
- copies of any written agreements and details of any verbal agreements (excluding sponsorship agreements) entered into by YMS
- a statement of Australian music content broadcast on Groove FM during the preceding three month period and an audio record of Groove FM broadcasts during the period. ☐

Auction of apparatus licences for open narrowcasting services — 3 AM licences withdrawn

The ABA will conduct auction-style licence allocation exercises for 13 transmitter licences to provide high powered open narrowcasting services in New South Wales, the Northern Territory, Queensland, Victoria and Western Australia. The ABA received more than one application for each of these licences.

The auctions will be held on 16 December 2004 at The Pavilion, Darling Park, 201 Sussex Street, Sydney. Registered applicants must check in between 9 am and 9.45 am, with the auctions expected to commence at 10 am.

There is a reserve price of \$4000 for each licence.

The ABA received single applications for 16 open narrowcasting licences. These licences will be issued upon payment of the reserve price of \$4000. There were 36 licences for which the ABA did not receive any applications.

To see the list of 13 licences available for auction, and the applicants for each licence, go to http://www.aba.gov.au/abanews/news_releases/2004/160nr04.htm

Licences withdrawn

Three AM licences were withdrawn due to recent developments in digital radio policy.

In its broadcasting policy released in the run up to the recent election, the Government said it would develop a policy for the introduction of digital radio in conjunction with existing radio broadcasters. In light of this, the ABA is now considering whether or not to allocate vacant MF and VHF Band III spectrum pending clarification of the digital radio policy and its implications for spectrum use.

Accordingly, the ABA has decided to hold off auctioning the AM frequencies identified in Round 11 – Price based allocation of transmitter licences for open narrowcasting services. These frequencies are in Albury, NSW, and Manjimup and Northam, WA. Whether these frequencies will be made available for allocation at a future date will depend on the details of the digital radio policy that is developed. ☐