

## Investigation Report No. 2185

|                                  |   |
|----------------------------------|---|
| <b>File No.</b>                  | 2009/623  |
| <b>Licensee</b>                  | Cairns Community Broadcasters Inc.  |
| <b>Station</b>                   | 4CCR  |
| <b>Type of Service</b>           | Community Radio   |
| <b>Issues</b>                    | Does not represent the community interest of Cairns RA2<br>Does not encourage membership<br>Does not encourage community or volunteer involvement in the operations of the station. |
| <b>Relevant Legislation/Code</b> | Clauses 9(2)(b) and 9(2)(c)(i) of Schedule 2 to the <i>Broadcasting Services Act 1992</i>   |

### Investigation conclusion

The licensee of 4CCR, Cairns Community Broadcasters Inc.:

- did not breach clause 9(2)(b) of Schedule 2 to the *Broadcasting Services Act 1992* (Representing Community Interest)
- did not breach clause 9(2)(c)(i) of Schedule 2 to the *Broadcasting Services Act 1992* (Encouraging Community Participation)

## **The complaint**

On 13 March 2009, the Australian Communications Media Authority (ACMA) received a complaint alleging that Cairns Community Broadcasters Inc., the licensee of the community radio station 4CCR:

- Does not represent the community interest of Cairns RA2
- Does not encourage membership
- Does not encourage community or volunteer involvement in the operations of the station.

The complaint was received as a submission against the licence renewal application for 4CCR.

## **The service**

4CCR commenced its service on 1 February 1985 and had its licence last renewed on 9 January 2005, with an expiry date of 8 January 2010. At the 2005 renewal, 4CCR was licensed to meet the general community needs of the Cairns RA2 licence area. This investigation is being conducted in conjunction with the 4CCR licence renewal process for 2010.

## **Assessment**

The assessment is based on:

- written submissions from the complainant received on 13 March 2009 and 6 May 2009;
- written submissions from licensee received on 9 April 2009 and 9 June 2009; and
- 4CCR's licence renewal application received on 9 January 2009.

## **Issue 1: Representing the community interest**

### **Relevant section of the Broadcasting Services Act**

#### **Schedule 2—Standard conditions**

#### **Part 5—Community broadcasting licences**

#### **9 Conditions applicable to services provided under community broadcasting licences**

[...]

(2) Each community broadcasting licence is [...] subject to the following conditions:

[...]

- (b) the licensee will continue to represent the community interest that it represented at the time when the licence was allocated or was last renewed.

## **Complainant's submissions**

The complainant submitted on 13 March 2009:

[...]

The current Management Committee of FM 89.1 does not represent the community interest of Cairns

- seven of the nine members are part of a secretive religious cult [...]; this situation has persisted for a number of years due to their domination of the membership supported by proxy votes and poor attendance at AGMs

[...]

The licensee further submitted on 6 May 2009:

[...] the management of the association 'Cairns Community Broadcasters Inc' which operates Cairns FM 89.1 is unrepresentative of the Cairns community in its membership, program decisions, and general operations through a pattern of secrecy, non-compliance with Commonwealth and State legislation and guidelines, and other aspects of its performance.

[...]

The station used to do outside broadcasts in the past but has not done so for a number of years. A former Committee member was told a few years ago that they had a policy of 'no outside broadcasters'. The plans for expenditure on transmission equipment, if implemented, would not leave any surplus for OB equipment.

## **Licensee's submissions**

The licensee submitted the following on 9 April 2009:

The general community of Cairns RA2 is a regional, sub-rural and rural community spreading from the islands of the Barrier Reef, the northern beaches up to Cape Tribulation, west across the Atherton Tablelands and south to Gordonvale, encompassing the fast growing city of Cairns. The residents of this community are as diverse as the terrain, from the culture of city life to the various farming communities of the west and south. It is this diversity of lifestyles which enriches the lives of all our community members, offering a colourful and fascinating destination for tourists and visitors from all over the world. These visitors from other countries and states are members of our community, even if only for a limited time. Also strongly culturally and linguistically diverse, with approximately 65 languages spoken in the home, this region is outstanding amongst the regional communities throughout this nation. Our indigenous communities are also diverse, several tribes being represented and contributing significantly to the cultural richness of Far North Queensland.

4CCR provides diverse programming, while maintaining integrity of character, through a standard of programming which aims high. We are currently providing programs in 19 languages, broadcasting in KOREAN, CANTONESE, MANDARIN, GERMAN, ITALIAN, POLISH, FRENCH, THAI, CROATIAN, SAMOAN, COOK ISLAND MAORI and TAHITIAN, PORTUGUESE (East Timor), SPANISH, PIDGIN, TAGALOG (Filipino), AFRICANS and SWAHILI,

GREEK, JAPANESE, DUTCH and ENGLISH languages. These ethnic programs which include IRISH AND SCOTTISH deliver news, information, stories of historical and human interest, sports and any information which may be of interest to all people with affiliations with an interest in the countries in which these languages are spoken.

Our general English-language programs span a range of POPULAR MUSIC from the OLD-TIME 20s and 30s through the 40s, 50s, 60s, 70s, 80s and 90s to the contemporary and alternative sounds that are being produced currently in Australia and overseas. The music genres of JAZZ, CLASICAL, LIGHT-CLASSICAL, OPERETTA, MUSICALS, FOLK, SCOTTISH AND IRISH, GOSPEL, EVERGREENS, ROCK 'N ROLL, DANCE, BLUES, SOUL, COUNTRY, INDIGENOUS, ISLAND, BRASS AND SACRED MUSIC are covered, and greatly appreciated by our widespread audience. These genres have been identified as not readily available through other sectors and local stations, and we have chosen not to use our limited air-time for the types of music which are played on the local commercial stations.

Our CHRISTIAN programs for both adults and children are designed to comfort our many listeners and instil in our young people a respect for others. Our STORYTIME program is a children's program which provides a healthy alternative to television for children, in a format so valued by previous generations. RADIO FOR THE PRINT HANDICAPPED NEWS HOUR provides a spoken version of the news published in the local newspapers, which is greatly appreciated by out visually impaired population as well as many drivers, between 5pm and 6pm Monday to Friday. Local theatre is show-cased and local artists and personalities are interviewed on the Saturday morning LATE LATE BREAKFAST SHOW, and poetry is bought to our listeners in a regular and novel WORDS AND MUSIC. A weekly program focusing on a particular artist or theme in SPECIALS has become extremely popular with programs contributed by a range of presenters.

[...]

Through the **Queensland Government Renewal Project, Department of Housing**, we entered into a partnership with the Trinity Bay State High School eighteen months ago to provide specialized training in broadcasting for students in years 11 and 12. This **SOUP RADIO PROJECT** is in its final six months, with a group of sixteen students receiving instruction in broadcasting techniques and practice in the use of studio equipment, interviewing and presenting radio programs.

A regular broadcasting of **COMMUNITY SERVICE ANNOUNCEMENTS** occurs on the half-hour of every program throughout the day. These announcements give local organizations and group a voice, so the details of their meetings, events and activities are broadcast throughout the whole community. No fees are received for these announcements, and members of our community appreciate this service tremendously. These announcements are received by email, mail and delivered to the studio.

We aim to and believe we achieve the goal of providing a satisfying and entertaining program grid for all age groups, from children to seniors, a

significant proportion of language groups and a good cross-section of musical interests. We are careful to provide a voice for all political parties during election time, exhorting our presenters to maintain an unbiased broadcast at all times.

The licensee further submitted:

All financial members received a letter informing them of the most recent General Meeting on 6<sup>th</sup> March, 2009...A sign informing all volunteers of this meeting was posted on the notice board in the station's studio.

[...]

Before every Annual General Meeting, signs are placed on the notice board in the reception area of the station's studios, informing all our volunteers and workers of the time and place of the AGM. There are also signs placed on the notice board informing people of the positions which will become vacant as of the date of the AGM, and nomination forms for those who wish to seek membership on the Board. A radio broadcast is also made regularly and frequently throughout the few weeks previously to the date of the AGM, so that any interested party may be made aware of the event, and attend if they desire...Nominations are posted on the notice board.

In response to the complainant's additional submissions, the licensee submitted on 9 June 2009:

[...]

We do not currently have the equipment to do outdoor broadcasts, though this is often the subject of discussion. Funds would have to be set aside equipment and people trained in the operation of such. Such a set-up would be very valuable in extending the services of the licence, in fulfilling the requirements of promotion of the station, becoming more engaged with the public and giving a voice to the under-served communities. It would extend our service significantly, and should be made a priority in the dedicating of funds in the coming financial year.

## **Finding**

The delegate finds that the licensee continues to represent the community interest that it represented when the licence was last renewed. Accordingly, the licensee did not breach clause 9(2)(b) of Schedule 2 to the *Broadcasting Services Act 1992* (the Act).

## **Reasons**

4CCR is licensed to meet the general community needs of Cairns RA2. The 2006 Census indicates the population of Cairns RA2 is 109,537, of which 17% (18,940) were born overseas. 9,004, or 8%, of the population speak a language other than English at home.

### Representing Community Interest

A station can demonstrate that it represents the community interest by ensuring that its programming meets the needs of its community.

The 4CCR's 9 April 2009 submission demonstrates that it is currently broadcasting programs that appeal to audiences across both age and ethnic demographics of the licence area. The licensee currently broadcasts programs in 19 languages delivering:

[...] news, information, stories of historical and human interest, sports and any other information which may be of interest to all people with affiliations and with an interest in the countries in which these languages are spoken.

4CCR broadcasts children's programs, religious programs, poetry and arts programs, and a movie program. It also provides a one hour news program, Monday to Friday at 5.00 pm for the print handicapped community, which is:

[...] a spoken version of the news published in the local newspapers, which is greatly appreciated by our visually impaired population [...].

4CCR is also committed to encouraging youth participation in the operations of the station, through its involvement in the Soup Radio Project, which provides training and experience in broadcasting for Year 11 and 12 students.

The service broadcasts a range of musical genres, in general programming and specialist music programs, including popular music from the 1920s to the modern day, classical, jazz, musicals, brass and sacred music. 4CCR broadcasts musical genres that are not played on local commercial stations, focusing on styles not available elsewhere in Cairns.

In response to the complainant's 6 May 2009 submission on 4CCR's outside broadcasts, the licensee submitted on 9 June 2009 that it is currently unable to undertake outside broadcasts as it does not have the required equipment. The licensee further submitted that the management committee recognises outside broadcasts are a key way to interact with its community, and have committed to prioritising funds in the next financial year to purchase the required equipment.

Under the conditions of 4CCR's licence, there is no requirement that a licensee must undertake outside broadcasts but rather, that it continues to meet the needs of its community of interest. From the evidence provided in its submission, 4CCR has demonstrated that its programming continues to fulfil this requirement of its licence.

#### 4CCR's Annual General Meeting and Management

In response to the complainant's claims of 13 March 2009 that 4CCR's board is not inclusive of the entire community, the minutes from the 6 March 2009 General Meeting were submitted by the licensee. The membership of 4CCR was invited to the meeting through a letter from the Secretary and signs posted at the studio. The meeting was attended by 32 people, with 19 apologies noted.

The minutes show that key information about the operations of the service, such as the financial position of 4CCR, was presented to the membership, which was given the opportunity to comment. The minutes show debate and commentary on the agenda items, for example, discussions concerning the 'Treasurer's Report' and 'General Business'. The minutes also demonstrate that the management committee is open to

discussing issues raised by the membership, such as the requested Agenda Items of 'Training', 'Membership and Promotions' and 'Studio Equipment'.

The meeting minutes further demonstrate that the membership of 4CCR is included in decisions that influence the direction of the organisation. At the 6 March 2009 meeting, four motions were presented for the membership to decide upon. Two motions were seconded and carried, one accepted with a 13 to 7 vote, and one was defeated with a 24 to 7 vote. The information provided in the meeting minutes demonstrates that the membership is involved in decisions influencing 4CCR, and that debate and commentary by the community is encouraged.

The complainant's submission of 13 March 2009 states that 4CCR:

does not represent the community interest of Cairns [...]seven of the nine members are part of a secretive religious cult[...]

In assessing the information provided in 4CCR's licence renewal and submissions in response to the complaint, there is insufficient evidence to suggest that the Board's religious preferences have an adverse impact on the licensee's ability to cater to the needs of its community of interest.

Accordingly, the material considered demonstrates that 4CCR continues to represent its community interest.

## **Issue 2: Encouraging participation - operations**

### **Relevant section of the Broadcasting Services Act 1992**

#### **Schedule 2—Standard conditions**

#### **Part 5—Community broadcasting licences**

#### **9 Conditions applicable to services provided under community broadcasting licences**

[...]

(2) Each community broadcasting licence is [...] subject to the following conditions:

[...]

(c) the licensee will encourage members of the community that it serves to participate in:

(i) the operations of the licensee in providing the service; [...]

### **Complainant's submissions**

The complainant submitted on 13 March 2009:

[...]

The Committee does not encourage membership

- membership is low for a city the size of Cairns

- the Committee rarely communicates with members by mail and its email list is incomplete

[...]

The Committee does not encourage community or volunteer involvement in the operations of the station

- all significant functions are undertaken by the Committee (and many of these, such as training are not undertaken at all in a formal sense
- people who seek to volunteer are not given meaningful tasks, although the Secretary is said to be overworked (she spends only one day a week in the office)
- it does not undertake any publicity although it undertook a newspaper interview when this was arranged by a member last year. It has ignored repeated suggestions for activities such as bumper stickers and other promotions (the secretary has recently obtained a quote for stickers) The station is virtually unknown in the Cairns community
- there are no incentives to become or retain a member

[...]

The complainant further submitted on 6 May 2009:

[...]

There is no formal annual report. Occasionally, information on operations is provided in newsletters, but key expenditure proposals were not disclosed by the Committee at the 2008 AGM and they appear to have been disclosed at the March 2009 General Meeting only because the President had made the information available already in a private conversation in which he indicated that the Committee did not feel obliged to disclose such information.

[...]

At a General Meeting of the station on 6 March 2009, a member [...] put forward a motion to establish a Program Committee. The resolution was passed despite being opposed by the Committee of Management and with no mention being made that there was an existing Program Committee. As a result, there are now two Program Committees, with no apparent interaction or consultation between them.

[...]

The Committee of Management rarely uses the website, which is badly out of date. [Members of 4CCR's management] are accessible by phone and e-mail but often take a long time to respond. Apart from Tuesdays, the station's telephone is manned only when the on-air presenter is able to answer it. The message log provides almost no space for comments. There is no answering machine so that if the presenter is unable to answer the phone or if there is no presenter present, there is no means to leave a message.

[...]

It is true that listeners are from time to time invited to become members. No incentives are provided and [...] new members are not contacted by the Secretary to advise they have been accepted. Receipts are available in the office but are not mailed out. There are no reminder notices, apart from the newsletter, which [...] is not widely available.

[...]

The Committee has cultivated the image of voluntary performance for a number of years, although a payment of \$5000 to one member was authorised a few years ago. Consequently, a long-standing presenter put forward the suggestion at the 6 March General Meeting that the Secretary be paid. She did not respond on this matter and many members were surprised when the Committee announced later through a studio notice that some of the members were in fact paid.

[...]

The Secretary has recently been given an increase in annual salary from \$10,000 to \$17,000. This was a Committee decision made without consultation with members who for the most part had no idea that anyone held a paid position at the station.

### **Licensee's submissions**

The licensee submitted on 9 April 2009 that it encourages its members to become involved in the operations of the station through:

- broadcasting CBAA survey results to encourage membership;
- broadcasting station contact details;
- articles in local newspapers;
- undertaking surveys of its membership and community;
- producing a bi-monthly newsletter; and
- holding social events, including field trips to the transmission site.

The licensee further submitted on 9 April 2009:

All those who accept nomination for the Board are to be financial members of Cairns Community Broadcasters Inc, and those who nominate and second the nomination are to be financial members of the organization.

[...]

All financial members received a letter informing them of the most recent General Meeting on 6<sup>th</sup> March, 2009...A sign informing all volunteers of this meeting was posted on the notice board in the station's studio.

[...]

Before every Annual General Meeting, signs are placed on the notice board in the reception area of the station's studios, informing all our volunteers and

workers of the time and place of the AGM. There are also signs placed on the notice board informing people of the positions which will become vacant as of the date of the AGM, and nomination forms for those who wish to seek membership on the Board. A radio broadcast is also made regularly and frequently throughout the few weeks previously to the date of the AGM, so that any interested party may be made aware of the event, and attend if they desire...Nominations are posted on the notice board.

In response to the complainant's additional submission, the licensee submitted on 9 June 2009:

During the meeting of 6th March, a motion was proposed and carried that a programming committee be established specifically of general members of the association. Subsequently those members who wished to serve on that committee volunteered, and from those a group of 8 members were chosen by the self-appointed co-ordinator. At the meeting on the 6th March it was accepted that this committee would feel free to discuss issues of programming and then make recommendations to the management committee. The management would then consider the recommendations and decide at the following board meeting which recommendations to accept. It was clarified at the 6th March meeting that the members programming committee would accept the decisions of the management committee.

Here is a quote from the co-ordinator of the members' Programming Committee in response to a request for clarification from the Administration Officer (Management Committee).

[...]

You asked me for some guidelines as to where I see the roles of the members' Programming Committee and the Management Committee.

I see the latter as being responsible for the overall running of the station with the power to delegate certain aspects as it sees fit. It's role is to have timely communication with members - especially on matters of importance and encourage dialogue on the same. In this way it can head off the bun-fights we seem to be suffering from at the present time.

The former seems to be a work in progress not yet fully determined as to where its responsibilities lie. To begin with it should be concentrating on programme content and the overall quality of what is broadcast. To this end it should make recommendations to the Board of changes to achieve that aim. For its part the MC could respond with a yea or nae as it sees appropriate. After a reasonable time frame once they are sure the Prog. C'tee is proving a mature and responsible approach to its tasks the MC may determine some autonomy to the PC but retain the power of veto in the unlikelyhood of the implementation of content outside our licence terms.

[...]

The Board of Management has always taken responsibility for programming decisions, so changes or additions to the weekly schedule are discussed at Board meetings, and decisions made accordingly. Four of these board members take particular responsibility in the matters of programming, especially in the day to day coverage of programs. The management programming committee is comprised of these 4 members. Historically, members or prospective members present their ideas and wishes to any of the board members who pass this on to the management programming committee. The person involved is requested to put their idea in writing and to submit it to the secretary. The merits of the proposal are discussed, ie how it would 'fit' with the overall schedule, likelihood of the proposer becoming a competent presenter (case of a non-member) the likelihood of meeting the needs of the audience, and the overall benefit to the general community.

[...]

Because we are primarily volunteers there are not always administration personnel manning the phones when presenters are unable to answer the calls. We have attempted to ameliorate this problem by calling for volunteers to fill a roster, so there could be someone always available to cover this task. Unfortunately, as far as I am aware, volunteers have not come forward to complete the roster, and management is loathe to pressure any volunteer into performing duties which they feel to be beyond their constraints of time and energy, given we all have family and work commitments.

[...]

The distribution and collection of the survey is a very good way of encouraging people to become members. Members are reminded of the date of renewal. Presenters encourage people to take out membership during their programs. No decisions regarding incentives for people to maintain or take out membership have been agreed on, however discussions have arisen and ideas put forward.

[...]

Remuneration is determined in accordance with the workload particular members of the management committee are willing to take responsibility for. Up until a few years ago our work for the station was completely voluntary, so that the funds could be used wholly for equipment and general running costs. In the past few years with an increase of workload for the secretary and the administration officer, members of the board became aware that both people holding those positions could no longer be engaged in full-time employment and fulfill their duties to the organization. [...] This was discussed at length in the first few months of this year as further demands by members of the organization were increasing the workload significantly. It was proposed and carried by the board that:

Following is a copy of the chart placed on the official notice-board at the station.

### *FUNDS DEDICATED TO STATION PERSONNEL*

Subsequent to the Meeting on 6<sup>th</sup> March 2009, these are the fees that have been paid to certain members of the station, and are projected to be paid during this calendar year. Because of the huge increase in workload during the past few years this is a token payment for their efforts. Payment to any personnel who contribute to the functioning of Cairns FM 89.1 is only possible because of the stable and healthy financial condition of the organization, a condition which the Board has worked very hard over the past several years to achieve. In order to ensure that this continues, the Secretary has had to sacrifice her regular paid work.

2008

|                |                |                      |  |
|----------------|----------------|----------------------|--|
| [Name Removed] | Technician     | \$30 / hour          |  |
| [Name Removed] | Administration | \$28 / hour          | Bookkeeping<br>Computer Support<br>10% Grants Income |
| [Name Removed] | Secretary      | \$10,000 / per annum |  |
| [Name Removed] | President      | \$500                |  |
| [Name Removed] | Treasurer      | \$1,000              |  |

In the past few weeks the fees for both the Secretary and the Administration have been increased due to the huge increase in workload. It has always been this Board's preference to spend the organization's available funds on providing as high a quality broadcast as possible, but the work of maintaining that quality has become increasingly complex and time-consuming.

2009

|                |                |                  |  |
|----------------|----------------|------------------|--|
| [Name Removed] | Administration | \$30 / hour      | Bookkeeping<br>Computer Support<br>10% Grants Income |
| [Name Removed] | Trainer        | \$40 / hour      | SOUP Radio Project<br>Trinity Bay SHS                |
| [Name Removed] | Secretary      | \$17,000 / annum |  |

[Members of the Management Team] are available after hours, on weekends, and while they are on holidays. [...]

At the Annual General Meeting in September this year the positions of President and Secretary will become available, along with two committee members. All financial members are welcome to apply for these positions.

It is to be made clear that the figures being paid to these members are contingent on their duties, not their positions.

Quote Mark Paine, Vice President...

*The Board thought it prudent to offer its Secretary a stipend, as she was unable to hold down her own job while attending to the station's needs. As these needs have increased, the Board used its elected powers to vote a*

*substantial increase in her stipend, but the agreed A\$17,000 still represents only a fraction of a full time secretarial salary. If this was not paid, in the Board's view the station would be confronted both with employing a new person at much higher market rates, and with the prospect of losing a most valued and experienced member. This substantial increase was voted upon in a Board meeting immediately prior to the Meeting on 6th March, 2009, and so the announcement was duly made in writing to all members on the members' notice board, which is readily accessible to all in the station's reception area.*

[...]

The licensee further submitted on 9 June 2009 that it encourages its members and the public to provide feedback about the operations of the station by:

- broadcasting station contact details;
- undertaking surveys of its membership and community; and
- encouraging use of the 4CCR website.

The submission also states that the management of 4CCR can be contacted directly about any concerns regarding the station, and that all feedback is taken seriously.

## **Finding**

The delegate finds that the licensee is encouraging participation in the operations of 4CCR. Accordingly, the licensee did not breach clause 9(2)(c)(i) of Schedule 2 to the Act.

## **Reasons**

The 4CCR licence renewal application states that it currently has 140 members. This is consistent with sector averages, according to the report *Community Broadcasting Database: Survey of the Community Radio Sector 2005-06 Financial Period*, published by the Community Broadcasting Association of Australia, which records the average number people who are members of regionally-based stations as 149.

4CCR encourages the community to become involved in its operations and programming through its website (*cairnsfm89.1.org*), on-air announcements, a listener and member survey, a bi-monthly newsletter, coverage in local media (print and television), and bi-monthly social events.

A review of the 4CCR website shows it encourages the community to support the station by subscribing and becoming a member of the Cairns Community Broadcasters Inc. The website provides the community with the opportunity to provide feedback on the programs being broadcast through a Feedback tab as well as providing the contact details for key personnel within the organisation. The website also encourages the community to join the internet mailing list, to

[...] be kept informed of all the latest things that are happening at Cairns FM 89.1. (<http://cairnsfm891.org/contacts.htm>)

Whilst 4CCR does not currently offer incentives to retain members, the 9 June 2009 submission of the licensee states that discussions are currently occurring to develop strategies for retaining members, and ideas have been put forward.

The 4CCR submission states that members of the organisation are invited to attend Annual General Meetings (AGMs), and nominate for positions on the board of management, through on-air announcements, signs on noticeboards throughout the studio, letter of invitation and information in the bi-monthly newsletter. As attachments to the 4CCR submission of 9 April 2009 were copies of:

- a letter of invitation to the General Meeting of 6 March 2009;
- the on-air announcement for the 2008 AGM; and
- a list of nominees for available board positions at the 2008 AGM.

The supporting evidence provided with the licensee's submissions demonstrates that members are encouraged to participate in meetings at 4CCR, and be involved in the operations of the service.

In response to the complainant's submission of 13 March 2009 that volunteers are not involved in the operations of the service, 4CCR's 9 April 2009 submission included a list detailing the 84 station volunteers, with the roles they undertake in the operations and programming of the station. The list of volunteer positions demonstrates the scope of roles that volunteers perform at 4CCR, including as committee members, in program co-ordination, program presentation, training and rostering. The licensee's 9 June 2009 submission also provided examples of where invitations for volunteers to be involved in the operations of the station had been made, for example the forming of a roster for administration duties.

Non-board members are strongly represented on the Marketing and Promotions Committee (three volunteers and one board member) and in the Training Group (five volunteers and three board members). The Program Committee consists entirely of non-board members. Further, many of the program co-ordination roles, such as the Co-ordinator of Radio for the Print Handicapped, are held by non-board members.

The licensee's submission of 9 June 2009, details the functions of the members program committee, and its role in relation to the station's Management Committee, and the interaction between the two committees. Whilst still in the formation stages, the new Program Committee provides a clear line of communication for members to be involved in and provide feedback on, 4CCR's programming.

In response to the complainant's 6 May 2009 submission regarding the licensee's failure to adequately communicate the station's financial position to its members, the licensee has submitted evidence that demonstrates that it provides its members with details of 4CCR's finances. The AGM minutes from 2007 and 2008, as provided with the licence renewal application, show that the audited financial statements and treasurer's report were tabled at the meetings. The 2008 minutes also show that members were given the opportunity to be sent a copy of the finalised auditors report.

Further, in its 9 June 2009 submission, the licensee included a copy of the "*Funds Dedicated to Station Personnel*" advice that was posted on the official noticeboard at 4CCR. The statement clearly outlines the remuneration paid to staff members, as well

as providing background for why the payments are being made. The notice also draws member's attention to Board of Management positions that will be open for nomination at the next AGM, further demonstrating that the licensee encourages its members to be involved in the operations of the station.

Accordingly, there is sufficient evidence that 4CCR is encouraging community participation in the operations of the service.

## Decision

I, Elizabeth Press, Manager, Community Renewals and Investigations Section, Community Broadcasting Group, being the appropriate delegated officer of the Australian Communications and Media Authority, determine for the above reasons that the licensee, Cairns Community Broadcasters Inc, licensee of 4CCR, did not breach the following conditions of its community broadcasting licence set out in Schedule 2 to the *Broadcasting Services Act 1992* that:

- the licensee will represent the needs of its community (clause 9(2)(b)); and
- the licensee will encourage participation in the operations of the service (clause 9(2)(c)(i)).

Signed:

  
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Elizabeth Press

dated this

1<sup>st</sup> day of July 2009