

## Investigation Report no. BI-749

Summary	
Licensee	Great Lakes Area FM Community Radio Association Inc.
Station	1583    2GLA    2GLA
Type of service	Community Broadcasting
Relevant legislation	<i>Broadcasting Services Act 1992 (BSA)</i> <ul style="list-style-type: none"><li>&gt; Subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA [encourage participation in programming]</li></ul>
Decision	The Licensee: <ul style="list-style-type: none"><li>&gt; did not breach subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA</li></ul>

## Background

On 16 September 2024, the Australian Communications and Media Authority (**ACMA**) received a complaint about Great Lakes Area FM Community Radio Association Inc. (**Licensee**).

The complaint raised allegations which suggested that the Licensee was failing to comply with licence conditions in the *Broadcasting Services Act 1992* (**BSA**).

On 3 July 2025, the ACMA commenced an investigation under the BSA into the Licensee's compliance with the licence condition at subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA [encourage participation in programming].

## Assessment and submissions

This investigation has considered the following information and submissions:

- > the complaint received by the ACMA on 16 September 2024 (**the Complaint**)
- > the documents provided by the Complainant and received by the ACMA on 5 June 2025 including a document titled Great Lakes FM Disciplinary Action and Dismissal of Volunteers
- > copies of text messages and emails received and sent by the Complainant during the period of participation as a volunteer presenter
- > information provided by the Licensee in correspondence of 28 July 2025, 8 September 2025 and 9 October 2025

Other sources are identified in this report where relevant.

## The Licensee

The Licensee has held a long-term community radio broadcasting licence to represent the general geographic area community interest in the Forster RA1 licence area since 1986.

The service operated by the Licensee is 'Great Lakes FM' (**2GLA**).

## The Complaint

The Complainant alleged that a representative of the Licensee misused their position and immediately terminated the Complainant's role as an on-air presenter.

The Complainant suggested that the Licensee did not follow, or did not have in place, appropriate policy documents and procedures for the termination of a volunteer presenter, did not appropriately handle workplace conflicts, and that due process was not followed in terminating the Complainant from their presenter role.

This raised concerns about the Licensee's compliance with the licence condition to encourage participation in the selection and provision of programs under the licence.

The Complainant also raised workplace allegations that are outside the jurisdiction of the ACMA and are not the subject of this investigation.

## **Issue 1: Did the Licensee breach the licence condition at subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA [encourage participation in programming]?**

### **Relevant licence condition**

#### **Schedule 2**

#### **Part 5 – Community broadcasting licences**

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

(2) Each community broadcasting licence is also subject to the following conditions:

[...]

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

[...]

(ii) the selection and provision of programs under the licence

### **Finding**

The ACMA is of the view that the Licensee did not breach subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA.

### **Reasons**

#### ***Relevant guidelines***

It is a condition of all community broadcasting licences that each licensee must encourage members of the community to participate in the selection and provision of programs.

Licensees should use a range of initiatives and measures to encourage community participation. The ACMA's Participation Guidelines provide that licensees can encourage community participation in the provision of programming by:

- giving members of the community an opportunity to produce and present programs
- being open to new programming ideas from the community
- ensuring any airtime fees are reasonable and the procedure for deciding access to airtime is fair and transparent.

Whilst licensees are able to make programming decisions that affect presenters or program providers, by reducing their airtime, cancelling a program or dismissing or terminating a presenter, licensees that terminate or dismiss a presenter should:

- > have a valid reason for making that decision and be transparent about the reasons
- > have a disciplinary procedure and process in place and follow the procedure or process.

Additionally, to encourage participation in program selection, the ACMA's Participation Guidelines provide that licensees should have mechanisms for the community to make program requests and to involve members in the selection of programs.

However, no single activity or initiative alone is likely to result in compliance with the community participation requirement. A range of factors are considered collectively to evaluate compliance.

The Community Radio Broadcasting Codes of Practice 2008 (**the Codes**) were in force at the time of the complaint. Those Codes included principles of diversity and independence, directed to promoting diversity and encouraging community participation. The Codes specifically required community radio stations to have written policies and procedures in place to support that outcome.<sup>1</sup>

Generally, the ACMA does not have a role in deciding the specific content of licensees' policies or in regulating licensees' adherence with their own policies. Where the content of a licensee's policies, or a licensee's failure to follow its own policies, may have the consequence of failing to encourage participation, this may be relevant to the licensee's compliance with the conditions of its community broadcasting licence.

#### ***Information requested by the ACMA from the licensee***

The ACMA asked the licensee to provide:

- > details of any complaints the licensee received from 2022 to 7 July 2025, including the responses to those complaints which
  - state or suggest that any members of the community consider there are barriers to participation in the operations or programming of the services or are discouraged from participating in the operations or programming due to conduct by people at 2GLA, including office holders, staff and volunteers.
  - outline any concerns with how the station deals with conflicts in the complaints handling process.
- > details of any dismissals or termination of volunteers or staff since 2022 including
  - the reasons for the dismissal.
  - file notes of the decision for the dismissal.
  - correspondence formally notifying the volunteer or staff person of the dismissal, and
  - a copy of the relevant policy followed in effecting the dismissal effective at the time of the dismissal or termination.
- > details of the rejection of any membership applications or the termination of any memberships since 2022, including the reasons for, the notification to the members and the policy in place at the time of that rejection or termination.
- > The number of volunteers, members and presenters as of 21 August 2024 and as of 31 July 2025

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<sup>1</sup> Community Radio Broadcasting Codes of Practice, Code 2 Purpose.

- > Whether or not any other presenters or volunteers had resigned since the dismissal of the Complainant.

### ***Licensee submissions***

In response, the Licensee:

- > stated that it actively engages with the community to encourage participation and has a regular presence at community events, has 178 members, 68 supporters, 32 volunteers and 4 staff/contractors.
- > stated all policies and procedures are readily available online and at the station's reception.
- > provided details of complaints about 2 broadcasts in the period 2022 to 7 July 2025, and the correspondence relevant to those complaints.
- > provided details of a complaint raised by a presenter and correspondence relevant to that complaint.
- > provided details of internal complaints raised by volunteers and presenters.
- > provided details of the termination of a volunteer presenter in the relevant period.
- > provided a copy of the Licensee's complaints handling policy.
- > provided a copy of the amended Improvement Notice issued by Work Safe NSW (**Work Safe**) issued on 28 October 2024 to the Licensee and information relevant to that Notice.
- > provided a copy of the minutes of a special general meeting held on 26 November 2024 to adopt a new Grievance and Dispute Resolution Policy and Procedure.
- > advised that since the termination of the Complainant, no presenters or volunteers had resigned, the number of volunteers had increased from 32 to 38 including 3 new presenters and 3 new admin staff, the number of members had increased from 167 to 172, the number of supporters had increased from 35 to 58 and the total number of presenters had increased from 23 to 26.

### **Analysis**

The ACMA has considered a range of matters relevant to compliance with the licence condition to encourage participation in programming.

#### Handling of internal complaints and disciplinary action

Between December 2021 and July 2025, the Licensee received 4 complaints from members at the station, including the Complainant, and dismissed the Complainant as part of disciplinary action.

The Licensee's Internal Complaints Process was in force at the time it received those internal complaints. That document set out the process for managing internal complaints from station members. It provided for internal complaints to be investigated by a nominated officer with authority to represent the Licensee e.g. the Station Manager or President, or a complaints committee.

- Stage 1 of the process set out the general steps to be taken in investigating an internal complaint and reaching a resolution. The process included assessing whether any breach of station policy, broadcasting law, or legal requirements had occurred, and recommending appropriate actions for those involved if a breach was found, negotiating dispute resolution to bring about agreement or settlement of opposing demands or attitudes, advising on legal responses if necessary, and determining suitable communication with complainants. The recommendation of appropriate actions to avoid future breaches. The final step in stage 1 was to write to all parties informing them of the investigation outcomes and their right to appeal the decision to the station's full board.
- Stage 2 of the process provided for a mediation process where a complaint was not resolved through the findings of the investigation.
- Stage 3 set out the reporting and record keeping requirements and included the date and time of receipt of complaint, the name and address of complainant, the substance of the complaint and the substance and date of licensee's response.

The Licensee also had in place a Disciplinary Action and Dismissal of Volunteers policy which was provided to the ACMA by the Complainant. That document outlined a policy and procedure for disciplinary measures and dismissal with a stated aim to provide a clear and fair structure that is understandable to both management and volunteers.

The policy set out:

- a three-step process of a first and second formal notice in writing and then notice to the volunteer of dismissal from duties
- an acknowledgement that there may be times when a volunteer needed to be dismissed without prior warning in cases of gross misconduct<sup>2</sup> and listed examples of conduct that would be considered as gross misconduct<sup>3</sup>
- a statement that a volunteer who was dismissed without prior warnings would be provided an appeal against the action taken. That appeal could take the form of a meeting with appropriate staff, a representation in person and or in writing to the board.<sup>4</sup>

The Licensee's Volunteer Agreement, provided by the Licensee and signed by the Complainant, also required volunteers to acknowledge:

- the warning and review process for breaches of the agreement
- that serious breaches may result in immediate suspension and banning from the building.

The ACMA has carefully considered the Licensee's actions in handling the internal complaints and the Complainant's dismissal, and specifically the matters raised by the Complainant. In the ACMA's view, there is evidence that demonstrates a failure by the Licensee to follow its own procedures and policy in place at the time, and a failure to adequately deal with matters involving the Complainant. The licensee's handling of these matters raised issues of potential impartiality and procedural fairness. For example:

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<sup>2</sup> Clause 11, Disciplinary Action and Dismissal of Volunteers

<sup>3</sup> Clause 12, Disciplinary Action and Dismissal of Volunteers

<sup>4</sup> Clauses 13 and 7 Disciplinary Action and Dismissal of Volunteers

- the complaints to the Licensee and the Complainant's dismissal may not have been handled objectively (for example, the subject of some of the Complainant's complaints appears to have dealt with those matters, and signed and delivered the Notice of Termination dismissing her)
- the Complainant was not expressly notified of an appeal process regarding the received warning or the Notice of Termination
- the dismissal appears to be based on complaints that were not fully investigated, and the dismissal process did not adhere to the documented procedural structure.

Whilst the Complainant was not informed of the appeal process in the letter of termination, information about the appeal process was set out in the Volunteers Agreement, the terms of which were accepted by the Complainant, as a presenter, upon signing.

Correspondence from the Licensee indicates that records in the form of diary notes were kept by the Licensee and the Licensee provided copies of email correspondence relevant to the complaint to the ACMA.

#### Response to listener complaints about programming

The ACMA has considered how the Licensee responded to other complaints. Between January 2022 and July 2025, the Licensee received complaints about 2 broadcasts from listeners about potential political material broadcast by 2 volunteer presenters. Those complaints were managed under the Licensee's complaints policy that was in place until November 2024.

The Licensee provided copies of the correspondence relevant to the broadcast complaints.

The correspondence demonstrated that the Licensee had adequately addressed the issues raised by the complainants about the material broadcast and satisfactorily communicated the outcomes to the complainants.

The ACMA reviewed the documentation provided by the Licensee and did not identify issues indicating the Licensee failed to adhere to its complaint handling policies. The complaints were dealt with impartially, and the complainants were provided with appropriate information to understand the complaints process and the outcome of their concerns. In one complaint, the presenter was stood down whilst the complaint was investigated by the Licensee, and the Licensee sought the assistance of the Community Broadcasting Association of Australia to resolve the concerns raised. The licensee also conducted training and education for all presenters following the receipt of the complaint. The ACMA did not find evidence that the Licensee's actions, in handling the listener complaints, would have discouraged community participation so as to breach the relevant licence condition.

#### Opportunity for the community to produce and present programs

Since the time of the Complainant's dismissal, the Licensee's volunteers, members, supporters and presenters have increased. This includes the addition of 3 new volunteer presenters and 3 new administrative staff, without any reduction in the number of volunteers and presenters.

This information indicates that the Licensee continues to encourage participation and to provide opportunities for the community to produce and present programs and does not support the view that the community confidence has been impacted, that there is widespread community concern or that the Licensee is not encouraging participation in the station's activities.

### Open to new programming ideas from the community

The Licensee advised that it broadcasts a daily promotion which is reinforced at events, inviting community members to participate in programming and other areas of community radio. This supports the view that the Licensee continues to actively encourage community participation from the community.

### Access to airtime is fair and transparent

Programming committees can be an important way that members and other people in the community can have a say in the running of a service

The Licensee has a Program Committee that is responsible for the allocation of programs, timeslots, and assesses the broadcasters' performance. The Program Committee is comprised of the Station Manager, a member of the Management Committee, neither of whom can be the Program Committee's Chair, and up to six members. The Licensee's Program Committee policy<sup>5</sup>, available on its website, sets out the criteria for timeslot allocation.

The Program Committee is also responsible for annually reviewing the community broadcast needs of the licence area and recommending program changes to the board of management.

### Policies and procedures in place

Documented policies provide a clear and consistent framework for decision making and expected behaviours. They help ensure volunteers are treated fairly and understand what is expected of them. When a licensee does not follow its own policies, it can reduce trust which may discourage people from getting involved and participating in the operations of the licensee.

The Licensee has provided copies of its corporate governance policies and procedures.

In addition, around the time of the Complaint, information provided to the ACMA indicates there was an intervention by Work Safe NSW (**Work Safe**) with the Licensee. The Licensee was issued with an Improvement Notice that required it to have a better Grievance and Dispute Resolution Policy and Procedure to deal with workplace grievances.

The Licensee engaged constructively with Work Safe to review and revise the Licensee's procedures and it has implemented an updated policy. Work Safe informed the Licensee it had finalised the intervention following the implementation of the new policy.

### Actions taken by the Licensee to improve handling of governance matters, internal complaints and disciplinary action

In response to the matters raised in this investigation, the Licensee is taking the following actions:

- reviewing and revising the Station Manager's Duty Statement to clarify expected responsibilities.
- ensuring staff are aware of the requirement to keep necessary documentation and brief the committee before making policy and procedural decisions.

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<sup>5</sup> Available on the Licensee's website at [2qla06 Program Committee rev1](#)



- developing a flow chart showing the 3 step Disciplinary Action process to ensure fairness and avoid future conflict of interest for management and volunteers.

The Licensee is also working with the Community Broadcasting Association Australia to strengthen its governance and will report to the ACMA on further improvements.

The ACMA notes these actions, together with the Licensee's response to the Work Safe intervention and expects they will strengthen the Licensee's compliance with the regulatory framework.

## **Conclusion**

Whilst the experience has been challenging for those involved and has directly impacted the Complainant, it does not, in itself, demonstrate that the Licensee is more broadly failing to encourage community participation in the selection and provision of programs under the licence. In particular, it does not appear to have resulted in a reduction in community confidence, caused widespread community concern or discouraged broader participation in the station's activities. Although the Licensee did not strictly follow its policies in dismissing the Complainant from their volunteer presenter role, on this occasion, the information provided indicates that it was a unique incident which did not have the consequence of discouraging broader participation in the station's activities.

Based on the above reasons, overall, the ACMA is of the view that the Licensee has a range of mechanisms in place to comply with the licence condition to encourage participation in programming in paragraph 9(2)(c)(ii) of Schedule 2 to the BSA.