

Investigation Report no. BI-750

Summary	
Licensee	Tamar FM Inc.
Station	Tamar FM 7TFM
Type of service	Community Broadcasting
Relevant legislation	<p><i>Community Radio Broadcasting Codes of Practice 2025 (the Codes)</i></p> <ul style="list-style-type: none"> > Code 2.1(a) [have in place, abide by, and regularly review constitution, or equivalent Governance document] > Code 2.1(b) [have in place, abide by, and regularly review key Governance policies] <p><i>Broadcasting Services Act 1992 (BSA)</i></p> <ul style="list-style-type: none"> > Paragraph 9(2)(c)(i) of Schedule 2 [encourage community participation in operations]
Findings	<p>The Licensee:</p> <ul style="list-style-type: none"> > Did not breach Code 2.1(a) of the Codes > Did not breach Code 2.1(b) of the Codes > Did not breach paragraph 9(2)(c)(i) of Schedule 2 to the BSA

Background

On 25 August 2025, the Australian Communications and Media Authority (**ACMA**) received a complaint about Tamar FM Inc. (**Licensee**).

The complaint raised allegations which suggest that the Licensee is failing to comply with its licence condition in the *Broadcasting Services Act 1992* (**BSA**) and provisions of the Community Radio Broadcasting Codes of Practice 2025 (**Codes**).

On 29 August 2025, the ACMA commenced an investigation under the BSA into the Licensee's compliance with:

- Code 2.1(a) of the Codes
- Code 2.1(b) of the Codes
- the licence conditions at paragraph 9(2)(c)(i) of Schedule 2 to the BSA.

The Complaint

In summary, the complainant alleges that:

- > the Licensee failed to adhere to its constitution when it did not notify members of a change motion
- > the Licensee dismissed a volunteer without grounds being sufficiently specified, failing to adhere to its governance policies
- > there is a concentration of control at the broadcaster due to all committee members (except one) being station volunteers who report to the Station Managers
- > 7 volunteers recently resigned due to the behaviour of the Station Managers and, although a meeting was held, the Licensee's response failed to address the grievances raised
- > the Licensee appointed a Public Officer who is not a Committee Member, which is in breach of its constitution

The Licensee

The Licensee has held a long-term community radio broadcasting licence to represent the general geographic area community interest in the George Town RA1 licence area since 2004.

The service operated by the Licensee is 'Tamar FM' (**7TFM**).

The expiry date of the Licensee's current licence is 29 November 2029.

Assessment and submissions

This investigation has considered:

- > the complaint received by the ACMA on 25 August 2025 (**the Complaint**).

- > documents provided by the complainant and received by the ACMA on 25 and 27 August 2025 including emails from the Licensee dated 15 January, 30 July and 15 August 2025.
- > submissions from the Licensee (**the Licensee's response**) received on 2, 6, 10, 17 and 31 October 2025 including:
 - minutes of the 2 most recent Annual General Meetings (**AGM**), a Special General Meeting (**SGM**) held in November 2024 and 3 Management Committee meetings (20 November 2024, 18 June 2025, 4 August 2025)
 - the Station Manager's September 2025 report to the Management Committee
 - details of the amendments made to the Licensee's Constitution (the **Constitution**) in late 2024 including communications to members
 - copies of 3 iterations of the Constitution
 - membership and appointment details for the current Management Committee
 - numbers of members and volunteers for the last 5 years where available
 - documents provided by the Licensee in relation to volunteer dismissal and internal conflict management
 - a copy of an email dated 7 August 2025 and Notice of Special Resolution for the registration of the amended constitution with the Tasmanian Consumer, Building and Occupational Services
- > the Licensee's renewal submission received by the ACMA on 23 November 2023.

Other sources are identified in this report where relevant.

Issue 1: Has the licensee complied with code 2.1(a) and (b) of the Codes?

Relevant code provision

Community Radio Broadcasting Codes of Practice 2025

2.1 We must have in place, abide by, and regularly review key Governance documents including:

- a) our constitution, or equivalent Governance document;
- b) Governance policies.

Finding

The ACMA is of the view that the Licensee:

- did not breach code 2.1(a) of the Codes, and
- did not breach code 2.1(b) of the Codes.

Reasons

Relevant information

In October 2025, the Licensee provided a range of submissions about its policies, practices and constitution.

Constitution

The Licensee made changes to its Constitution which were ratified by members at an AGM on 18 September 2024 and a SGM on 20 November 2024.

The Licensee provided a copy of an email and Notice of Special Resolution from the Tasmanian Consumer, Building and Occupational Services, dated 7 August 2025, in response to lodging the changes to its Constitution approved at the 2024 AGM and SGM. The ACMA understands, in accordance with section 18(4) of the *Associations Incorporation Act 1964* (Tas), this is the date on which the changes took effect.

The Constitution in effect at the time of both the AGM and SGM stated:

16.0 ALTERATIONS TO THE CONSTITUTION AND REGULATIONS:

16.1 No alterations, repeal or addition shall be made to the Constitution except at the Annual General Meeting, or Special General Meeting called for the purpose. Notice of all motions to alter, repeal or add to the Constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to the Special General Meeting called for such a purpose. As well: 16/..

16.2 The minute Secretary shall forward such notices of motion to each member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to the Special General Meeting

The Licensee submitted that, in relation to 16.2 of its Constitution above, it considers a notice was 'published', and therefore forward to each member, in line with subrule 15(2) 'Notices of general meeting' of the *Associations Incorporation (Model Rules) Regulations 2017 (Tas)* (**Model Rules**) as follows -

A notice is published for the purposes of subrule (1) if the notice –

(a) is contained in an advertisement appearing in at least one newspaper circulating in Tasmania; or

(b) appears on a website, or at an electronic address, of the Association; or

(c) is sent to each member of the Association at –

(i) the member's postal or residential address or address of business or employment; or

(ii) an email address that the member has nominated as the email address to which notices from the Association may be sent; or

(d) is given by another means, determined by the public officer, that is reasonably likely to ensure that the members of the Association will be notified of the notice.

The Licensee's response noted that members were informed of the September AGM and proposed changes to the Constitution through on-air announcements and a dedicated webpage (updated on 1 September) containing information about the AGM, a link to the marked-up version of the proposed constitutional changes, and a summary of those changes.

The proposed changes to the Constitution, as shown on a webpage submitted by the Licensee, included reducing the number of members on the Management Committee and removing rule 16.2 shown above. The minutes of the AGM noted the proposed changes as accepted and carried by 'all'.

The Licensee advised in its response that members were informed of the November SGM and the further proposed changes to the Constitution through a post on the Station's Facebook page (including a link to the Station's website), on-air announcements and a dedicated webpage (updated on 11 November) containing information about the SGM, a link to the marked-up version of the proposed constitutional changes, and a summary of those changes.

The minutes of the November SGM, as provided in the Licensee's response, note 2 changes to the Constitution ratified at this meeting; to make the vice president role optional (passed by majority, 1 against) and inclusion of a quorum for AGMs (passed unanimously).

The Constitution, effective as of 7 August 2025, states that office bearers of the Association are to be members of the Management Committee and are to be President, Vice President (optional), Treasurer, Minute Secretary and Public Officer and that, where possible, the management committee members are not to serve more than 3 consecutive terms, where a term is 2 years.

Section 8.1 of this Constitution states that the Management Committee is to consist of a minimum of 3 and maximum of 8 members, each of whom is to be elected at the AGM of the Association, or appointed to fill a casual vacancy under sub-rule 8.4 as follows:

'Subrule 8.4 In the event of a casual vacancy occurring in the membership of the Management Committee, the Management Committee may appoint a member of the Association to fill the vacancy, and the member so appointed is to hold office, subject to these rules, until the Annual General Meeting next following the date of the appointment.'

The Licensee response stated that, at the date of submission, the Management Committee had 5 members with 4 office holders (President, Secretary, Vice President/Treasurer and Public Officer). Three of the Management Committee members were most recently appointed at the September 2024 AGM, the other two via casual vacancy appointments approved at the August 2025 Management Committee meeting.

Governance policies

The Licensee provided a copy of its Internal Conflict Policy and Volunteer Manual and directed the ACMA to its website which published copies of its bullying, corporate governance & diversity, sexual harassment, community, membership, programming and sponsorship policies.

The Licensee identified relevant policies and practices in relation to volunteer dismissal. The rights and responsibilities of a station volunteer are set out in the Volunteer Manual, together with the rights of 7TFM in relation to volunteers. Discipline is also outlined in the Volunteer Manual as follows:

'In the case of a dispute, the Tamar FM Management Committee (or appointed representative of the Management Committee) may suspend a volunteer station worker who breaches the law or a policy of the station. If the suspension includes not being permitted to go on air, the suspension goes into force immediately. The same applies to a suspension from being on the premises.

If the volunteer station worker wishes to appeal against such a decision, they may call for a meeting between the Management Committee and themselves, and the elected Tamar FM volunteer's representative, to discuss the volunteer worker's future status at the station. This meeting shall be held within two weeks of it being called. The decision of such meeting shall be final.'

The Licensee's submission referred to a provision in its Constitution relating to 'Objects of the Association', noting:

'2.12 To appoint, employ, remove or suspend staff (paid or unpaid) as may be necessary or convenient for the purposes of the Association.'

The Licensee submitted that one volunteer had been removed in the last two years, provided a copy of the dismissal email and noted that the person involved chose not to invoke their right to a review meeting.

The Licensee submitted documentation relevant to its internal conflict and internal complaints handling policies. The Internal Conflict Policy provided in the Licensee's response states that 'all formal avenues for handling of grievances will be fully documented and the employee/volunteer's wishes will be taken into account in determining the appropriate steps and actions'. The formal avenues of handling grievances are not detailed in the policy. The Licensee submitted that the policy is to be read in conjunction with the Volunteer Manual and Bullying Policy. Grievance management is outlined in the Volunteer Manual as follows -

'When disputes or conflicts occur between volunteer station workers within the station, and when reasonable means taken by the concerned parties to resolve the dispute have failed, the matter must be brought to the attention of the Management Committee.

Both parties will be required to present verbally, and in writing, their understanding of what the dispute is about, and what has led to it. The management will use conflict resolution techniques to achieve an equitable outcome.

This will be done by consulting separately with the parties and then in joint discussion to work towards a solution that will satisfy each party. If one party is still not satisfied with the decision reached, a mutually acceptable mediator may be sought to assist in the matter.

If, after following the above procedure, one party is still not satisfied, the management reserves the right to make a final decision on the matter, keeping in mind the best interests of the station and volunteer station workers.'

In relation to the volunteer grievances raised in the complaint, the Licensee submitted that:

'The meeting on 16 July was not an Association meeting, nor a meeting for all volunteers. Three volunteers had not raised any issues with the Management Committee, had not followed the Grievance Procedure [included in submission], and had resigned without warning. The Management Committee subsequently (after their resignation) invited them to an informal meeting to see if anything could be learned from their departure. They brought along with them other ex-volunteers/ex-members

who had never raised any issue with the Management Committee either and who had resigned on apparently good terms. Following that meeting, the Management Committee advised all participants of their planned actions in response to the meeting.

The Licensee noted that its Grievance Policy applies to volunteer station workers, which the attendees were not at the time of the meeting and their grievances should have been raised under that policy prior to their resignations.

The Licensee and complainant both provided a copy of an email dated 30 July 2025 which was addressed from the 7TFM Board Secretary to 5 recipients and stated:

'[...] The aim of the meeting as stated on the day was to • List issues or problems encountered • Suggest alternatives

The Board expresses thanks to you for sharing information and giving us an understanding of your reasons for choosing to resign.

All input was discussed by Board Members after this meeting, with clear areas of focus for the future. Board Members have made recommendations to the Station Managers. After feedback from the Station Managers, we plan to seek input from current volunteers.

Clearly the Internal Conflict Policy and the section referring to Grievances in the Tamar FM Volunteer's Manual have not been the 'go to' options prior to your resignations.

The Board will need to review these documents and seek input from volunteers to address this.

Suggested independent mediation is being explored with potential for use in future.

The structure of Boards in other volunteer and not-for-profit organisations is also being researched. [...]

Analysis

Constitution

It is the ACMA's view that the Constitution provided in the Licensee's response is appropriate for community broadcasting purposes. The document outlines clear rules that support open membership, including criteria for rejecting or terminating membership. It also details voting and nomination procedures for the Management Committee and includes adequate provisions for conducting AGMs and SGMs.

The information provided by the Licensee demonstrates that it has some appropriate procedures in place to ensure compliance with the rules of its Constitution. For example, the Licensee:

- conducts the business of AGMs appropriately
- has an appropriate organisation structure
- undertook appropriate steps to call for nominations for and appoint the current Management Committee.

In August 2025, the Licensee appointed a station manager to the Management Committee as Public Officer through a casual vacancy. While this dual role may present a potential conflict

between governance and operational responsibilities, it is not prohibited under the Licensee's Constitution. The ACMA acknowledges that, given the station's limited pool of volunteers and members, such arrangements may be difficult to avoid.

The information provided by the Licensee shows that it does not have appropriate procedures to ensure compliance with regulatory requirements in relation to the amendment of its constitution. Specifically, the Licensee did not appear to lodge a Notice of Special Resolution, in relation to the amendments to its Constitution, with the Tasmanian Commissioner of Consumer, Building and Occupational Services within the timeframe required under the *Tasmanian Associations Incorporation Act 1964*.

Although the Licensee's communication with members complied with the Model Rules regarding notices of general meetings, the provision referenced is not applicable to notices of constitutional amendments. At the time of the proposed 2024 amendments, Section 16(2) of the Constitution required that notice of any amendment be forward to *each member* prior to the AGM or SGM.

The Licensee disseminated information about the proposed amendments via public channels such as its website, on-air announcements, and social media. The ACMA has insufficient information to confirm whether this approach satisfied the requirement to notify *each member*. This requirement has since been removed from the constitution.

Governance policies

The Community Broadcasting Association of Australia's guidance notes¹ in relation to Code 2.1 notes that policies and procedures help keep stations accountable to staff, volunteers, members and the community. They ensure stations comply with the Codes, licencing obligations and legal requirements. They also let people know where they can turn for help and assist stations to manage complaints and disputes.

The guidance notes emphasise the importance of stations having documented policies and procedures covering a range of areas.

The Licensee supplied policies for corporate governance, volunteering, sponsorship, internal conflict, bullying, sexual harassment, membership, programming and community participation. The ACMA's view is these policies meet the minimum requirement for governance policies under the code. However, as a result of this investigation, the ACMA has identified opportunities for the licensee to implement other policies which reflect best practice for community broadcasters.

The ACMA has carefully considered the Licensee's actions in handling the grievances noted by the Complainant and raised by the resigned volunteers in a meeting in July 2025. The available information suggests that these grievances were not brought to the attention of the Management Committee prior to resignation in line with the Grievance Management process outlined in the Volunteer Manual. This suggests that, while existing policies were followed by the Licensee, they may have been insufficient in providing avenues for volunteers to raise concerns prior to their departure.

The ACMA noted the Licensee's commitment, in its email of 30 July 2025 to recently resigned volunteers, to reviewing its Internal Conflict Policy and Volunteer Manual and seek input from volunteers.

The information available to the ACMA indicates that the steps taken by the Licensee in the dismissal of a volunteer were in line with its policies. The Licensee's response indicates that

¹ [Code 2 - Governance - CBAA](#)

the volunteer was provided a written notice of dismissal, including grounds, as required in the 'Discipline' section of its Volunteer Manual.

Conclusion

While there are areas where the Licensee could enhance its practices in relation to the timely lodgement of documents, the ACMA is satisfied that the licensee has in place, and is abiding by, its constitution and governance policies.

Based on the above reasons, the ACMA is of the view that the Licensee did not breach Code 2.1(a) or 2.1(b) of the Codes.

Issue 2: Is the Licensee encouraging community participation in operations?

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:

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

Finding

The ACMA is of the view that the Licensee did not breached paragraph 9(2)(c)(i) of Schedule 2 to the BSA.

Reasons

Relevant guidelines

The ACMA's Community Broadcasting Participation Guidelines² provide that licensees may encourage participation in operations by: having sound corporate governance practices, having an effective and transparent committee structure and valuing and promoting membership and volunteering.

Sound corporate governance practices and transparent committee structure

Sound corporate governance practices include having in place measures to prevent the concentration of control, policies that require office holders to declare any potential conflict of interest and procedures for complying with regulatory requirements that apply to the service and its organisational structure.

² <https://www.acma.gov.au/publications/2010-06/guide/community-broadcasting-participation-guidelines>.

A transparent committee structure can be achieved by aiming to have a range of committees, making their members aware of how to nominate for committee positions, having their committees meet regularly and keeping appropriate records.

Valuing and promoting volunteering

Valuing and promoting membership and volunteering can be achieved by offering a range of ways in which people can participate in the service, having open membership (meaning licensees may only refuse membership on the basis of specific, transparent, and reasonable criteria, and should have adequate grievance or review mechanisms) and providing appropriate training and fair treatment.

The ACMA generally does not have a role in deciding the content of licensees' policies or regulating their adherence to them. If a licensee's policies, or failure to follow them, impacts participation or accountability to staff, volunteers, members, or the community, this may affect compliance with community broadcasting licence conditions or provisions of the Codes.

Relevant information

In October 2025, the Licensee provided a range of submissions about its corporate governance practices, strategies for encouraging participation, and available member and volunteer numbers.

Relevant extracts are summarised below.

Sounds corporate governance and transparent committee structure

The Licensee's response in relation to corporate governance is outlined in Issue 1.

In relation to its organisation and committee structures the Licensee informed that day to day management of operations is by the Station Manager(s) who are appointed by the Management Committee.

A reduction in both the number of members and executive positions on the Management Committee in the Licensee's constitution was proposed and accepted at the 18 September 2024 AGM. Statements published on the licensee's website provided the reasoning that 'the current requirement cannot be met with limited volunteer numbers and the changes will enable greater flexibility in how the Management Committee is organised'.

The 2024 election of Management Committee members was also undertaken at the 18 September AGM. The on-air announcement script giving notice of the 2024 AGM, provided in the Licensee response, included a call for Board nominations, details of who can nominate and how to access and submit the form.

The Licensee submitted that it does not have a programming committee due to being a very small station. As an alternative, all volunteers attend team meetings where program, music and content choice is discussed.

Valuing and promoting volunteering

The licence renewal application submitted by the Licensee in November 2023 stated that 7TFM had 108 financial members at the date of application.

In the licensee's submission to the investigation, the licensee explained that the number in the licence renewal included stall holders at a community market that the licensee operated. This practice has since been discontinued.

The Licensee provided membership information showing slight variation across 2022 (64), 2023 (55) and 2025 (71). The Licensee was unable to provide membership numbers for 2021 or 2024

The Licensee submitted that volunteer numbers fluctuate between 8 and 16 and, at the time of response, was at 9.

The Licensee submitted that it takes a range of steps to engage with the community and encourage participation, such as:

- website content and on-air announcements inviting community members to become station members, volunteers and/or Board members
- encouraging content requests from the community at outside broadcasts and the station website
- including all volunteers in program, music and content choices
- broadcasting around 3000 community service announcements each year including regular invitations to community groups to publicise their events.

The September 2025 Station Manager's report to the Management Committee, provided in the Licensee's response, stated that the station had recently taken on 3 new volunteers.

Analysis

Corporate governance practices and committee structure

Management and 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 ACMA has considered the information provided by the Licensee and is of a view that its committee structure is appropriate for a community broadcaster. For example, the Licensee:

- has in place a constitution that sets out voting and nomination procedures and includes adequate provisions for AGMs and SGMs
- where possible, limits the Management Committee membership to 3 terms
- advertises the call for Management Committee nominations ahead of each AGM on-air and on the station website
- provides details of the Management Committee membership, including a nomination form, on the station website alongside the information on other volunteer opportunities.
- has current Management Committee membership that is compliant with requirements of the Constitution
- involves all volunteers in programming and content choices.

The ACMA is of a view that the Licensee has corporate governance practices in place, as described in Issue 1 above, to prevent concentration of control, promote participation in the Management Committee and comply with regulatory requirements.

Valuing and promoting volunteering

The information provided by the Licensee indicates that it takes steps to promote membership and volunteering, such as:

- broadcasting on-air announcements to promote volunteer opportunities
- publishing a list of volunteer opportunities and details on how to apply on its website and social media profiles
- promoting volunteer opportunities and membership at community events
- including provisions in its Constitution and Membership Policy that support open membership, such as transparent reasons for when a membership application may be rejected (Rule 5.5)
- planning and implementing membership recruitment activities via the membership group which is comprised of all volunteers
- having in place a Community Participation Policy, as published on the station website.

The Licensee's volunteer and member numbers are below the average for regional community radio stations, however, this is likely influenced by the relatively small population of less than 11,000 within the George Town RA1 licence area (Australian Bureau of Statistics Census, 2021).

The ACMA noted that the recent recruitment of 3 volunteers demonstrate that action is being taken to increase participation.

The information provided in the complaint suggests that 7 volunteers/members have recently resigned from 7TFM. This is significant given that the station currently has 9 volunteers, however, the Licensee's meeting with the 6 resigned volunteers in July 2025 and the content of the follow up email sent to attendees demonstrated that it is taking steps to understand and resolve the grievances raised.

Conclusion

Based on the information available to the ACMA the Licensee did not breach the licence condition at subparagraph 9(2)(c)(i) by encouraging members of the community it serves to participation in the station's operations.