

Investigation Report no. BI-744

Summary	
Licensee	Tasman Community Broadcasters Association Inc
Station	7TAS
Type of service	Community Broadcasting
Relevant legislation	<i>Broadcasting Services Act 1992 (BSA)</i> <ul style="list-style-type: none">> Subparagraph 9(2)(c)(i) of Schedule 2 to the BSA [encourage participation in operations]> Subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA [encourage participation in programming]
Decision	The Licensee: <ul style="list-style-type: none">> Breached subparagraph 9(2)(c)(i) of Schedule 2 to the BSA [encourage participation in operations]> Did not breach subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA [encourage participation in programming]

Background

On 4 December 2024, the Australian Communications and Media Authority (**ACMA**) received a complaint (**the Complaint**) about Tasman Community Broadcasters Association Inc (**Licensee**).

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

On 13 May 2025, the ACMA commenced an investigation under the BSA into the Licensee's compliance with the licence condition at paragraph 9(2)(c) of Schedule 2 to the BSA, which requires community broadcasting licensees to:

- > encourage participation in operations (subparagraph 9(2)(c)(i) of Schedule 2 to the BSA)
- > encourage participation programming (subparagraph 9(2)(c)(ii) of Schedule 2 to the BSA).

The Complaint

The Complainant was a participant at the station until October 2024 and alleged that the Licensee:

- > following a disagreement, terminated his membership and volunteer role without a right of reply, by claiming that he had resigned
- > declined to reinstate his membership and volunteer role, saying that he had breached its code of conduct without providing him with a right of reply
- > prevented him and several of his associates, one of whom was also a member, from attending the licensee's 2024 Annual General Meeting.

This raised concerns about the licensee's compliance with the licence condition to encourage participation in operations and programming.

The Licensee

The Licensee has held a long-term community radio broadcasting licence to represent the general geographic area community interest in Tasman Peninsula RA1 licence area since 2003.

The service operated by the Licensee is '97.7 Tasman FM'.

Assessment and submissions

This investigation has considered:

- > the Complaint received by the ACMA on 4 December 2024
- > information provided by the Licensee on 7 and 29 June 2025, 29 July 2025 and 3 August 2025.

Other sources are identified in this report where relevant.

Issue 1: Did the Licensee breach the licence condition to encourage 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 breached the licence condition to encourage participation in operations.

Reasons

Licensee submissions

In June and July 2025, the Licensee provided a range of submissions about its corporate governance practices, strategies for encouraging participation, and members and volunteers.

Relevant extracts are summarised below.

Corporate governance practices

The Licensee submitted that, since December 2022, it has undergone ‘a major reorganisation’, including the election of new officeholders to its management committee, improvements to its corporate governance and record-keeping practices, and a revision of its constitution.

The Licensee provided copies of the constitution that was registered at the time of the events described in the Complaint (**old constitution**) and its new constitution, which was approved by members at a special general meeting on 15 March 2025. Key differences include that:

- > the old constitution provided that membership is automatic on lodgement of a membership application form and payment of the membership fee, whereas the new constitution provides that membership applications are subject to acceptance or rejection by the management committee
- > the old constitution did not provide for cessation of membership by resignation, whereas the new constitution provides for cessation of membership by resignation in writing.

The Licensee provided copies of its policies covering workplace health and safety, its code of ethics, bullying, anti-discrimination, conflict of interest, and governance. However, it conceded that, for at least the last two years, it did not have some other policies that were required

under Codes 1.4, 1.5, 1.6, 2.1, 2.2, 2.3, and 6.1 of the Community Radio Broadcasting Codes of Practice 2008 (**the Codes 2008**).¹ Namely, policies for membership, internal conflict, complaints handling, community participation, programming, volunteering, and sponsorship.

The Licensee considered that having a copy of the Codes 2008 and a volunteer code of conduct requiring volunteers to abide by the Codes 2008 'covered the requirement for policies in total'.

Strategies for encouraging participation

The Licensee submitted that since December 2022 it has taken a range of steps to engage with the community and encourage participation, such as:

- > conducting a community survey in February 2022 and planning to undertake 'a new survey to gauge the overall performance of our current operation in meeting community expectations'
- > broadcasting 'Tasman Community Notice Board' announcements for organisations such as Neighbourhood House, Tasman Municipal Council, and Turrakana Tasman Arts
- > providing free on-air support for community events
- > conducting a 'Summer Santa' station promotion involving in-person community interaction and on-air announcements for Christmas 2024
- > increasing local sponsorship
- > trialling 'announcer led' music events featuring local artists.

Members and volunteers

The Licensee's recent member and volunteer numbers are set out in the table below.

Year	Number of members	Number of volunteers
2025	74	14
2024	77	14
2023	65	13
2022	63	15

The Licensee submitted that, while 'There have been no terminations of any member or volunteer over the last 2 years', there has been one resignation. The Licensee provided that, on 23 October 2024, the Complainant resigned and returned his key after a disagreement 'over station operations procedures and program direction'.

¹ The ACMA notes that, at the time of the events that are the subject of this investigation, the Codes 2008 were in effect. As of 1 July 2025, the Codes 2008 have been superseded by the Community Radio Broadcasting Codes of Practice 2025.

The Licensee submitted an email it received from the Complainant which summarised the disagreement from his perspective, and stated that, after the disagreement:

‘At this point I overreacted and said I can’t do my show. [The President] asked for my key and I gave it to her.’

The Licensee submitted information indicating that, in the following month, the Complainant contacted it several times seeking reinstatement and ‘to clarify that [he had] not resigned’. The Licensee submitted that its management committee considered the matter and decided not to reinstate the Complainant’s membership or presenter role, having regard to his previous conduct while he was involved with its service.

Subsequently, the Licensee submitted that the Complainant posted on social media, ‘urging people to pay for membership so they could come to the [Licensee’s annual general] meeting **(the 2024 AGM)** to have the ability to exercise full membership right at the meeting.’ Around this time, the Licensee noted that another member of the community also enquired about whether ‘making a payment for membership via the station’s website just prior to the meeting...entitled [people] to be admitted and be given full voting rights.’

On the day of the 2024 AGM, the Licensee submitted that a ‘crowd’ (including the Complainant) requested entry, but that it decided not to permit them entry due to the ‘high probability of disruption’.

The Licensee submitted that:

‘...following the formal adoption of the current constitution, at a duly convened committee meeting early in 2025 all persons who applied for member[ship] immediately leading up to [the 2024 AGM] were accepted as members. Given the circumstances around their membership application confirmation was sought that they wished to continue as a member, and if so confirmation via email was provided confirming membership with a copy of the relevant provision of the newly enacted constitution that dealt with membership.’

‘Those that requested a refund were refunded the fee they paid.’

Relevant guidelines

The ACMA’s Community Broadcasting Participation Guidelines (**the Participation Guidelines**) provide that, to encourage community participation, licensees should take active steps to promote the service to the community; be open and accessible to the community; invite the community to participate in the service; offer a range of ways in which people can participate in the service; and make the community aware of opportunities to participate in the service.

Additionally, in the ACMA’s experience, licensees encourage community participation in their operations when they have sound corporate governance practices and value membership.

Sound corporate governance practices give communities confidence that their community broadcasting services are managed appropriately. These include procedures for complying with regulatory requirements that apply to the service and its organisational structure.

Membership is one of the primary ways of encouraging community participation in the operations of a service. Members can have a say in decision-making by attending and voting at meetings; nominating for membership of boards and committees; participating in boards and committees; and proposing items of business for general meetings.

Analysis

The information provided to the ACMA indicates that, since 2022, the Licensee has:

- > taken active steps to promote its service to the community at local events and offered a range of ways in which the community can participate (such as responding to surveys, volunteering, attending events, and sponsorship)
- > had a stable number of members and volunteers
- > taken some steps to improve its corporate governance practices, including updating its constitution and record-keeping practices.

However, the information provided also indicates that the licensee did not have sound corporate governance practices and handled memberships in a way that had the effect of unfairly discouraging members of the community from participating in operations.

Corporate governance practices

Community broadcasting licensees are required to comply with their industry codes of practice.

The Licensee submitted that it did not have policies that were required under Codes 1.4, 1.5, 1.6, 2.1, 2.2, 2.3, and 6.1 of the Codes 2008. That is, policies for handling membership, internal conflict, complaints handling, community participation, programming, volunteering, and sponsorship.

Membership

The Licensee's submissions indicate that, on 23 October 2024, the Complainant advised the Licensee that he could not do his show and returned his key.

Based on the information provided, the ACMA's view is the Complainant's words and actions reasonably indicated that he wished to resign from his presenting role. However, they did not clearly indicate that he wished to resign his membership of the Licensee. The ACMA also notes that:

- > at the time, the Licensee's old constitution did not provide for cessation of membership by resignation, only cessation of membership due to non-payment of fees or expulsion (which is a different process involving a right of appeal)
- > the Complainant contacted the Licensee soon after 23 October 2024 to clarify that he still wanted to be a member.

For the above reasons, the Licensee failed to demonstrate sound corporate governance practices and value membership when it removed the Complainant's membership rights based on the 23 October 2024 interaction and discouraged him from participating in its operations and meetings.

Additionally, the Licensee's submissions indicate that several people applied and paid for membership via its website before the 2024 AGM.² However, it did not permit them to attend the meeting or accept them as members until after the adoption of its new constitution the following year, in March 2025.

² <https://tasmanfm.com.au/about-us-2/>, accessed 14 August 2025.

At the time of the 2024 AGM, the Licensee's old constitution provided for automatic membership on lodgement of an application form and payment of the membership fee. Therefore, the individuals who applied and paid for membership before the 2024 AGM should have automatically become members of the Licensee who were entitled to attend the meeting.

The ACMA accepts that the Licensee may not have been able to confirm lodgement of the new members' applications and fees until after the 2024 AGM. The ACMA acknowledges that this may have contributed to the Licensee's decision not to permit them entry on that day. However, in waiting several months (until the membership rules in the constitution had been changed) to process the applications, the ACMA considers that the Licensee did not adhere to the applicable rules in its old constitution. As a consequence, members of the community were prevented from participating in its operations and having a say in the decision-making of the service (for example, by voting on the new constitution).

Conclusion

Accordingly, the ACMA is of the view that the Licensee breached the licence condition to encourage participation in operations.

Issue 2: Did the Licensee breach the licence condition to 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:

[...]

(d) 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 the licence condition to encourage participation in programming.

Reasons

Licensee submissions

The submissions set out under **Issue 1** are also relevant to **Issue 2**.

Additionally, regarding its organisational structure, the Licensee submitted that 'The station has just one committee that oversees all aspects of the operation of the station'. This

management committee is comprised of a President, Vice President, Secretary, Treasurer, and ordinary committee members.

Relevant guidelines

Licensees must encourage community participation in two distinct areas of programming: program selection and program provision.

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
- > giving members of the community an opportunity to produce and present programs is a concrete way to demonstrate that the licensee has encouraged community participation in the provision of programming.

Licensees are able to make programming decisions that affect presenters or program providers, by reducing their airtime or cancelling a program. Licensees that reduce or remove a presenter's airtime should have valid reasons, follow a documented procedure and, where possible, make reasonable efforts to identify alternative arrangements for the affected presenter or program provider.

The Participation Guidelines do not provide specific guidance on the cessation of volunteering. Generally, if a volunteer wants to end their volunteer relationship, there is no notice period or other requirements. The voluntary nature of the relationship means that they can end it at any time.³

Analysis

The information provided to the ACMA indicates that the Licensee has:

- > mechanisms for encouraging participation in program selection, such as community surveys
- > given volunteers, including the Complainant, an opportunity to produce and present programs.

Regarding the Licensee's decision to remove the Complainant's airtime, the ACMA considers that:

- > the Complainant saying that he cannot do his show and returning his key were actions that reasonably notified the Licensee he wished to end his volunteer role
- > a presenter ending their volunteer role is a valid reason to remove their airtime.

While the information provided shows that the Complainant subsequently asked to resume presenting with the Licensee, the Licensee was free to decide whether it wanted to reinstate his program. It is not the ACMA's role to determine what the specific outcomes of community broadcasting licensees' programming decisions should be.

³ <https://www.volunteeringaustralia.org/resources/national-volunteer-guide/>, accessed 20 August 2025.

Conclusion

Based on the above reasons, the ACMA is of the view that the Licensee did not breach the licence condition to encourage participation in programming.

Agreed actions

The Licensee has agreed to take actions in response to the ACMA's findings in this investigation. In summary, the Licensee:

- > has a new constitution, policies, and a formal process for documenting engagement with members and volunteers
- > will take steps to ensure it has all the policies required under the Community Radio Broadcasting Codes of Practice 2025
- > within 1 year, will provide the ACMA with an update on its progress with ensuring it has the required policies.