

23 September 2016

FAMILY RADIO LTD

**Undertaking to the Australian Communications and Media Authority
pursuant to section 205W of the *Broadcasting Services Act 1992* (Cth)**

Parties

This undertaking is given to the Australian Communications and Media Authority (“the ACMA”) pursuant to section 205W of the *Broadcasting Services Act 1992* (Cth) (“the Act”) by:

Family Radio Ltd (ABN 12 067 249 281)

Background

- A. Family Radio Ltd (FRL) has operated a community radio broadcasting licence, SL1150704, on the 96.5 MHz frequency, representing the Religious – Christian community interest in the Brisbane RA1 licence area, since 1 November 2001.
 - B. The ACMA is concerned to further assure FRL’s compliance with the Act, specifically the capacity of FRL to comply with the licence condition at paragraph 9(2)(c) of Schedule 2 to the Act, which requires a community broadcasting licensee to encourage community participation in the operations of the service and in the selection and provision of programs.
 - C. FRL seeks to address these matters and offers this written undertaking under section 205W of the Act.
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1 Interpretation

1.1 Definitions

In this undertaking:

- (a) **Code** means the *Community Radio Broadcasting Codes of Practice 2008*;
- (b) **local applicant** means a person who ordinarily resides or works in the Brisbane RA1 licence area, as indicated in that person’s application for membership of FRL;
- (c) **non-local applicant** means a person who does not ordinarily reside or work in the Brisbane RA1 licence area, as indicated in that person’s application for membership of FRL;
- (d) **service** means the community radio service operating under community broadcasting licence, SL1150704, on the 96.5 MHz frequency, representing the Religious – Christian community interest in the Brisbane RA1 licence area.

1.2 Interpretation

Unless the context indicates otherwise, terms that are defined in the Act have the same meaning in this undertaking and a reference to any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced.

2 Term

2.1 Commencement

This undertaking commences when:

- a. it has been executed by FRL; and
- b. so executed, it has been accepted by the ACMA and written notification of that acceptance has been given to FRL.

2.2 Termination

This undertaking will terminate on 31 October 2021, being the expiry date of FRL's community radio broadcasting licence, unless the ACMA gives written notice to FRL cancelling this undertaking in accordance with subsection 205W(4) of the Act, in which event, this undertaking terminates on the day that written notice is given.

3 Amendment

This undertaking may only be withdrawn or varied with the consent of the ACMA, in accordance with subsection 205W(3) of the Act.

4 Undertaking

4.1 For the purpose of ensuring that FRL will comply with paragraph 9(2)(c) of Schedule 2 of the Act by encouraging community participation in the operations of the service and in the selection and provision of programs, FRL undertakes to:

- a. by 1 November 2016, and at the end of every three months thereafter until 31 October 2021, provide the ACMA with copies of the following documents:
 - i. a report on FRL's membership, which must include, in respect of each quarter:
 - I. the number of applications for membership received;
 - II. the number of applications approved and rejected;
 - III. a breakdown of the numbers of applications received from local applicants and non-local applicants; and
 - IV. a breakdown of the numbers of applications approved and rejected for local and non-local applicants;
 - ii. minutes of meetings held in the preceding quarter of FRL's Finance Committee and Program Committee, including details of actions taken to implement decisions made;

- iii. a report on the composition of the Finance Committee and the Program Committee during the preceding quarter, including whether the committee members ordinarily live or work in the Brisbane RA1 licence area;
 - iv. a report on the numbers of members and volunteers involved in each of the areas of programming, administration and management of the service.
- b. by 1 February 2017, put to a meeting of members of FRL draft amendments to its constitution which would, if passed:
- i. increase the quorum for annual and special general meetings to at least 5 per cent of members with voting rights;
 - ii. set out the grounds on which an application for membership may be rejected;
 - iii. require reasons to be given for rejecting an application for membership; and
 - iv. provide that a person whose application for membership has been rejected can apply to the Board of FRL for reconsideration of the decision.
- c. use its best endeavours to ensure that amendments to the constitution in the form specified in clause 4.1(b) above are passed before 1 March 2017.
- d. by 1 March 2017, provide to the ACMA copies of the following documents:
- i. the minutes of any meeting at which the draft amendments mentioned in clause 4.1(b) above were put to a vote;
 - ii. if the constitution is amended, a copy of the amended constitution.
- e. by 1 March 2017, develop, and provide to the ACMA copies of, policies that are consistent with the requirements of the Code for corporate governance (Code 1.2), membership (Code 1.4), complaints handling (Code 1.6), community participation (Code 2.1), programming (Code 2.2), and sponsorship (Code 6.1), together with the minutes of the meetings at which the policies were adopted.
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5 Acknowledgements

5.1 FRL acknowledges that the ACMA:

- a. may publish this undertaking on its internet site, and may from time to time publicly refer to this undertaking; and
- b. may issue a media release in relation to this undertaking referring to its terms and the matters which led to its execution.

Executed for and on behalf of Family Radio Ltd:

SIGNATURE
PRINT NAME
Director

SIGNATURE
PRINT NAME
Director / Company Secretary

Date: _____ of _____ 2016
(Day) (Month)

This undertaking was accepted by the Australian Communications and Media Authority pursuant to Part 14D of the *Broadcasting Services Act 1992* (Cth) on:

Date: _____ of _____ 2016
(Day) (Month)

Signature of Member

Signature of Member / General Manager

Name (please print)

Name (please print)