

Application for a community television broadcasting licence (in the broadcasting services bands)



Effective from 12 March 2014

Lodgement information

- > Print clearly. Illegible, unclear or incomplete application details may delay processing.
- > Please read all documents in the information kit before completing this form.

Important notes

- There is no statutory requirement for the ACMA to make available copies of applications for community television broadcasting licences. Please note that the ACMA may provide the names and contact details of applications on the ACMA's website and interested persons may contact applicants directly if they wish to obtain details of applications.
- In considering any application for a community television broadcasting licence, the ACMA conducts an assessment against the matters at subsection 84(2) of the *Broadcasting Services Act 1992* (BSA).
- Please note that giving the ACMA false or misleading information – including information that may be misleading due to omission – is a serious offence.
- Notes relevant to community television broadcasting licences are at the end of this form.

Appendices to this form

- Applicants must attach supporting documents to this form as a series of appendices. Please label each appendix to match the corresponding question. For example:
 - > A document in support of an answer to **Question 7** should be marked Appendix 7.

Information kit

- This application form
- Licence conditions
- Codes of practice
- Licence area definition
- Licence area map
- Technical specifications
- Analog broadcasting services in the licence area.

The information kit is available from the ACMA website www.acma.gov.au

Further information

For queries about completing this form, contact the Community Broadcasting Section on (02) 9334 7922.

Where to send this form

The Manager
Community Broadcasting Section
Australian Communications and Media Authority
PO Box Q500
Queen Victoria Building NSW 1230

Email: communitybroadcasting@acma.gov.au

Please note that the ACMA does not routinely acknowledge applications received.

Collection of personal information in this form

The *Privacy Act 1988* (Cth) (the Privacy Act) imposes obligations on the ACMA in relation to the collection, security, quality, access, use and disclosure of personal information. These obligations are detailed in the [Australian Privacy Principles](http://www.acma.gov.au/privacyprinciples).

The ACMA may only collect personal information if it is reasonably necessary for, or directly related to, one or more of the ACMA's functions or activities.

The purpose of the collection of the personal information in this form is to enable the ACMA to assess the applicant's capacity to provide the proposed community television broadcasting service. This information is required under subsection 84(2)(d) of the BSA.


The ACMA will not use the information for any other purpose, nor disclose it, unless the relevant consent has been obtained or it is otherwise permitted to do so under the Privacy Act.

If the information requested in this form is not provided, the application for the licence may not be processed.

Further information on the Privacy Act and the ACMA's Privacy Policy is available from the ACMA website www.acma.gov.au/privacypolicy. The Privacy Policy contains details about how personal information that is held by the ACMA may be accessed, and how such information may be corrected, where appropriate. It also explains how a complaint about a breach of the [Privacy Act](http://www.acma.gov.au/privacyact) may be lodged and how the ACMA will deal with such a complaint.

Any questions relating to the privacy of information in this form should be directed to the ACMA's privacy contact officer on telephone 1800 226 667 or by email to privacy@acma.gov.au.

Section 1: Applicant details

1. Applicant company name and ABN [ Please attach copy of registration and constituting documents as APPENDIX 1]

IMPORTANT! An applicant **must** be a company limited by guarantee within the meaning of the *Corporations Act 2001*. Copies of relevant documents must be of those certified by the Australian Securities and Investments Commission.

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2. Company's registered address and public officer's contact details

NAME
ADDRESS
TELEPHONE
FAX NUMBER
MOBILE
EMAIL

3. Preferred address and person to contact for processing of application

NAME
ADDRESS
TELEPHONE
FAX NUMBER
MOBILE
EMAIL

4. Names and Positions of Company Directors/Office holders

1.	2.
3.	4.
5.	6.

Section 2: Community interest and service

5. What community interest does the applicant represent? [Please tick one]

General

Other (Please specify)

6. What is the proposed service's licence area, call sign and on-air identifier?

Call sign	On-air identifier
Licence area (See licence area definition provided separately to this form)	

Section 3: Section 84(2) requirements

7. Explain how the proposed service will meet the existing and perceived future needs of the community within the licence area. (section 84(2)(a))

Supporting information may include:

- relevant research or market surveys conducted by the applicant (including methodology)
- a weekly program schedule listing the programs to be provided, including whether the program will be locally produced or purchased and, if so, from whom
- a list of programs that will be provided which are not being provided by existing broadcasters in the licence area
- how the programs will meet the needs and interests of the community now and in the future
- procedures for development of quality new programs that meet evolving community needs for local information and entertainment
- programming policies to ensure program diversity and to avoid favouring programming specific to particular groups, for example, ethnic or religious
- the proportion of airtime that will be filled by locally-sourced programming (purchased versus free airtime for community use), externally-sourced programming, and left vacant (express proportions as a percentage of 168 hours)
- if filler programs will be used, ratio of filler programs to other programming
- numbers of subscribers, financial members and non-financial volunteers, if available, indicating the numbers residing within and outside the licence area (if membership is based on group representation, please provide details of those groups)
- sample number of letters of support for the service (between 10-15 would be adequate)
- details of the measures that the applicant has taken or intends to take to encourage the community in the licence area to participate in the day-to-day operations of the service and in the selection and provision of programming, including:
 - a) proposed promotions of the service and programming through the local media, publications, internet and on-air announcements
 - b) membership drives that show a healthy level of participation by members of the community as subscribers, financial members or non-financial volunteers, including of relevant groups if membership is through group representation
 - c) collaboration with local community organisations, including in community events and training programs
 - d) the establishment of committees that show community involvement in decision-making in a range of areas.



ATTACH AS APPENDIX 7

8. Describe the nature and diversity of the interests of the community within the licence area. (section 84(2)(b))

Provide the following:

- ABS statistics, for example, community profile and demographics
- relevant research or market surveys conducted by the applicant (including methodology)
- information on the demographic and socio-economic characteristics of the licence area, for example, sourced from State publications
- the specific needs and interests of the local community, for example, sourced from material produced by local councils in the licence area.

 ATTACH AS APPENDIX 8

9. Explain how the nature and diversity of the proposed service will be distinguished from other broadcasting services (including national broadcasting services) available within the licence area. (section 84(2)(c)) (*see analog broadcasting services in the licence area provided separately to this form*)

Provide evidence of distinguishing factors from other broadcasting services, including in the areas of:

- information provision
- entertainment
- cultural relevance.

 ATTACH AS APPENDIX 9

10. Describe the capacity of the applicant to provide the proposed service. (section 84(2)(d))

The capacity of the applicant includes:

- the management, financial and technical capacity to provide the service
- the capacity of the applicant to comply with licence obligations.

10a) **Management**

Provide the following:

- a diagram setting out details of the organisational structure, showing the elected and appointed positions, board and committee positions, and the relationships between them
- details of relevant management skills and the experience that each elected and appointed person will bring to the service
- a list of paid staff and unpaid volunteer positions, indicating the proposed salary for each paid position
- strategies for attracting and retaining subscribers, financial members and volunteers, including of relevant groups if membership is through group representation
- any schedule of fees of membership and access to airtime (include copies of relevant forms)
- a diagram showing how decisions will be made on:
 - a) requests for airtime and
 - b) video recordings provided by a member of the community or a representative group
- a training program, if training will be provided
- written corporate governance policies and procedures
- details of previous experience managing a broadcasting service.

 ATTACH AS APPENDIX 10A

10b) **Financial**

Provide the following:

- estimates of the funds required to provide the service and their source
- a plan detailing actions to be taken if the funds to provide the service are not forthcoming
- a five-year business plan accompanied by a five-year budget (a licence is allocated for five years)
- agreements with, or letters of intent from, persons who operate a business for profit or as part of a profit-making enterprise regarding the sale of airtime, including details of their purpose, amount of airtime required or to be provided in any day, duration of the arrangement, and the nature of the financial or in-kind consideration
- copies of sponsorship arrangements, including letters from potential sponsors showing the amount and duration of sponsorship agreements
- copies of other funding arrangements, including letters from potential donors and subscribers showing the amounts and duration of support.



ATTACH AS APPENDIX 10B

10c) **Technical** (*see technical specifications provided separately to this form*)

Provide the following:

- details of transmission infrastructure, including proposed transmitter site and effective radiated power (ERP), studio location and availability of transmission backup
- details of operational and maintenance plans to ensure the licence will meet technical specifications
- the technical skills and expertise that are available to enable the applicant to provide a service that complies with technical specifications
- names of members and/or employees who have technical experience, the work they do and the training they have undertaken
- copies of relevant technical training certificates for members and/or employees
- copies of letters from individuals and/or organisations detailing their agreement to provide technical advice and support
- copies of agreements and/or contracts with providers of technical and transmission equipment.



ATTACH AS APPENDIX 10C

11. Is any one in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area? (section 84(2)(e))

Provide the following:

- list of persons such as directors, station managers and program coordinators of the applicant involved with other community broadcasting services in the licence area and details of their involvement
- details of arrangements with other community broadcasting services in the licence area, including:
 - a) contracts and/or agreements with other community broadcasting services in the licence area, setting out actions to be taken by the applicant on behalf of those other community broadcasting services
 - b) contracts and/or agreements of sponsorship, programming and/or other funding arrangements with other community broadcasting services in the licence area
 - c) contracts and/or agreements with members (particularly directors) and/or employees of other community broadcasting services in the licence area, setting out actions to be taken by them for the applicant
 - d) copies of contracts, agreements and letters of intent.



ATTACH AS APPENDIX 11

12. Would the Commonwealth, a State, a Territory or a political party be in a position to exercise control of a community broadcasting licence if allocated to the applicant? (section 84(2)(f))

Provide the following:

- list of persons such as directors, station managers and program coordinators involved with an agency of the Commonwealth, a State, a Territory or a political party and details of their involvement
- details of arrangements with the Commonwealth, a State, a Territory or a political party including:
 - a) contracts and/or agreements with an agency of the Commonwealth, a State, a Territory or a political party, setting out actions to be taken by the applicant on behalf of that agency
 - b) contracts and/or agreements of sponsorship, programming and/or other funding arrangements with an agency of the Commonwealth, a State, a Territory or a political party
 - c) contracts and/or agreements with members, employees, contractors and/or volunteers in the employ of any agency of the Commonwealth, a State, a Territory or a political party, setting out actions to be taken by them for the applicant
 - d) copies of contracts, agreements and letters of intent.



ATTACH AS APPENDIX 12

Section 4: Certification of application

This application for a community television broadcasting licence by:

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(Company name)

is made on:

Day	Month	Year
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With the authority of the board of directors of the applicant company

Presiding member of the board of directors of the applicant company:

SIGNATURE
PRINT NAME
TITLE

Secretary or Public officer:

SIGNATURE
PRINT NAME
TITLE

NOTES

Community television broadcasting licences

Eligibility

An applicant for a community television broadcasting licence must be a company limited by guarantee within the meaning of the *Corporations Act 2001* (section 81(1) of the *Broadcasting Services Act 1992*).

Applications should contain sufficient relevant information to enable the ACMA to assess the merit of applications against the criteria in section 84(2) of the *Broadcasting Services Act 1992*:

- In deciding whether to allocate a community broadcasting licence that is a broadcasting services bands licence to an applicant or to one of a group of applicants, the ACMA is to have regard to:
- (a) the extent to which the proposed service or services would meet the existing and perceived future needs of the community within the licence area of the proposed licence; and
 - (b) the nature and diversity of the interests of that community; and
 - (c) the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area; and
 - (d) the capacity of the applicant to provide the proposed service or services; and
 - (e) the undesirability of one person being in a position to exercise control of more than one community broadcasting licence that is a broadcasting services bands licence in the same licence area; and
 - (f) the undesirability of the Commonwealth, a State or a Territory or a political party being in a position to exercise control of a community broadcasting licence.

The ACMA is not required to allocate the licence to any applicant (section 85 of the *Broadcasting Services Act 1992*).

Community broadcasting services

Community broadcasting services are defined in section 15 of the *Broadcasting Services Act 1992* as broadcasting services that:

- (a) are provided for community purposes; and
- (b) are not operated for profit or as part of a profit-making enterprise; and
- (c) that provide programs that:
 - (i) are able to be received by commonly available equipment; and
 - (ii) are made available free to the general public; and
- (d) comply with any determinations or clarifications under section 19 in relation to community broadcasting services.

Community broadcasting licences remain in force for five years.

Commencement date of community television broadcasting service

A community television broadcasting licensee must commence to broadcast within one year of being allocated the licence (clause 9(1)(h) of Schedule 2 to the *Broadcasting Services Act 1992*).

Compliance requirements

Community television broadcasting licensees are required to comply with the licence conditions set out in section 87A [including *Broadcasting Services (Additional Conditions – CTV Licence) Determination 2005*, made under sections 87A(6) and (7)] and Parts 1, 2 and 5 of Schedule 2 to the *Broadcasting Services Act 1992*, as well as the *Community Television Broadcasting Codes of Practice*.

Apparatus licences

The ACMA also issues an apparatus licence to the successful applicant to enable the licensee to provide the community television broadcasting service. An apparatus licence is issued under the *Radiocommunications Act 1992* and is also subject to licence conditions.