



Application to transfer a community broadcasting licence

Effective from 12 March 2014

Lodgement information

- > Print clearly. Illegible, unclear or incomplete application details may delay processing.

Important notes

- > In considering any application for the renewal of a community radio broadcasting licence, the ACMA conducts an assessment against the matters at subsection 84(2) of the *Broadcasting Services Act 1992* (Cth).
- > **Please note that giving the ACMA false or misleading information—including information that may be misleading due to omission—is a serious offence.**
- > Relevant provisions from the *Broadcasting Services Act 1992* are at the end of this form.

Appendices to this form

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

Further information

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

Where to send this form

- > It is preferable that, wherever possible, the completed application form and attachments are lodged by email at:
Email: communitybroadcasting@acma.gov.au

- > Alternatively, a hard copy (paper version) of the completed application form and/or attachments may be sent to:

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

Collection of personal information

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](#).

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 continue to provide the community broadcasting service. This information is required under subsection 91A(7) of the *Broadcasting Services Act 1992* (Cth).

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 licence renewal 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](#) may be lodged and how the ACMA will deal with such a complaint.

Any questions relating to the privacy of information requested 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: Licence details

Please identify the community broadcasting licence proposed to be transferred

1. The broadcasting service licence number

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2. The licence area of the licence

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3. The community interest represented by the service

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Section 2: Current licensee details

4. Full name of the licensee (as shown on the licence certificate)

COMPANY NAME

5. Postal address of current licensee

POSTCODE

6. Contact details

TELEPHONE
MOBILE
EMAIL

7. Name and title of contact person for this transfer application

SURNAME
GIVEN NAME

8. Contact details for this person * (this person should be easily contactable)

TELEPHONE
MOBILE
EMAIL

9. Postal address of contact person

POSTCODE

Section 3: Transferee details

10. Is the transferee a company formed in Australia or in an external territory?

YES NO

11. Full name of transferee (as shown on the organisation's certificate of incorporation or certificate of registration)

COMPANY NAME

12. Provide a copy of the transferee's certificate of incorporation or certificate of registration as Appendix Q12.

YES NO

13. Provide a copy of the transferee's constitution, memorandum of association and/or rules, including any by laws, as Appendix Q13. The copy provided should be certified by the relevant state or territory authority or by the Australian Securities and Investments Commission (ASIC) as the true copy registered with that authority.

YES NO

14. Provide the address for service of documents under the relevant federal, state or territory legislation under which the organisation is incorporated or registered.

THIS WILL BE EITHER:

(I) THE REGISTERED OFFICE

(II) THE ADDRESS REGISTERED FOR SERVICE OF DOCUMENTS OR

(III) THE NAME AND ADDRESS OF THE PUBLIC OFFICER.

15. Provide the address of the principal office, head office or principal place of business.

POSTCODE

16. Provide telephone number.

TELEPHONE
MOBILE
EMAIL

17. Provide the physical address, if known of the proposed broadcasting studio.

POSTCODE

Section 4: Reason for transfer

18. What is the reason for transferring the licence? PROVIDE EVIDENCE RELATING TO THE PROPOSED TRANSFER AS ATTACHMENT Q18.

YES NO

19. What community interest did the current licensee represent at the time the licence was allocated or last renewed? (WHICHEVER IS THE LATEST)

20. Has or does the transferee propose to pay or give some form of consideration to acquire the licence?

YES NO

21. Does the transferee intend to represent the same community interest as the current licensee?

YES NO

22. Are the objects of the transferee company in its constitution the same as the objects of the licensee? PROVIDE A COPY OF THE CONSTITUTIONS OF THE LICENSEE AND THE TRANSFEREE AS ATTACHMENT Q22.

YES NO

23. Is it expected that the members of the transferee will be the same persons who are members of the licensee?

YES NO

If yes, explain how members of the licensee may become members of the transferee.

24. Will the committee of management of the transferee be elected in the same manner and by the same persons as the committee of management of the licensee? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q24.

YES NO

PROCEED TO SECTION 10 IF YOU HAVE ANSWERED YES TO QUESTIONS 21 TO 32.

Section 5: Transferee company structure

33. What are the objects or aims of the transferee's company?

34. Provide a copy of the transferee's membership application form, membership numbers (including a list of the names and addresses of members) as Appendix Q34.

YES NO

34(a). How many of these are financial members? (PLEASE ADVISE IF YOU WISH THE NAMES AND ADDRESSES OF MEMBERS TO BE KEPT CONFIDENTIAL).

34(b). What is the current membership fee?

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35(a). Provide a list of the current members of the board of directors or committee of management (as appropriate), including their positions. List positions yet to be filled as vacant positions. PROVIDE AS APPENDIX 35.

YES NO

25. Is it expected that the persons currently involved in the operations of the service by the licensee will continue to be involved in the service following transfer of the licence? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q25.

YES NO

26. Will decisions about the operations of the service be made in the same way as the current licensee? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q26.

YES NO

27. Is it expected that the transferee will have the same management capacity as the licensee to provide the service? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q27.

YES NO

28. Will the assets of the licensee be transferred to the transferee? PROVIDE A COPY OF ANY CONTRACT, DEED OR OTHER INSTRUMENT THAT FACILITATES THE TRANSFER OF ASSETS FROM THE LICENSEE TO THE TRANSFEREE.

YES NO

29. Is it expected that the transferee will have access to the same sources of funds used by the licensee to provide the service? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q29.

YES NO

30. Is it expected that the transferee will have the same financial capacity as the licensee to provide the service? PROVIDE DETAILS OF ANY CHANGES AS ATTACHMENT Q30.

YES NO

31. Will the nature of the programming to be provided by the service be the same as the programming provided by the current licensee?

YES NO

32. Will decisions be made about the programs that are to be broadcast on the service in the same way as the current licensee?

YES NO

35(b). Indicate on the list provided as Appendix 35 the names of any other office bearers and their positions.

YES NO

35(c). Indicate how members and/or volunteers join committees and/or sub-committees.

35(d). How often do the committees/sub-committees meet?

36. How does the transferee appoint office bearers?

53. In the table below, estimate as accurately as possible the amount of time spent broadcasting talk-based and music programming from various sources selected at Question 50.

TO COMPLETE THIS TABLE, IT IS NOT NECESSARY TO CALCULATE MUSIC BREAKS IN TALK PROGRAMS, OR TALK BREAKS IN MUSIC PROGRAMS. FOR MAGAZINE-STYLE PROGRAMS WHERE THERE IS MIXED TALK AND MUSIC CONTENT, ESTIMATE THE AVERAGE TALK/MUSIC SPLIT AND ALLOCATE THE AMOUNT OF TIME ACCORDINGLY. INDIVIDUAL SUB-TOTALS SHOULD ADD UP TO THE TOTAL HOURS BROADCAST FOR THE WEEK SELECTED. FOR EXAMPLE, A STATION THAT BROADCASTS 24 HOURS A DAY, 7 DAYS A WEEK IS BROADCASTING FOR A TOTAL OF 168 HOURS.

FORMAT	PROGRAM ORIGIN	HOURS:MIN SELECTED WEEK
Talk-based (INCLUDING SPOKEN WORD, NEWS, AND CURRENT AFFAIRS)	Local (RECORDED LOCALLY OR PRODUCED BY YOUR STATION)	:
	National syndication (PRODUCED BY OTHER AUSTRALIAN STATIONS— INCLUDES CONTENT FROM A SATELLITE SERVICE)	:
	International syndication (INCLUDES CONTENT FROM A SATELLITE SERVICE)	:
Sub-total talk	All talk-based programs	:
Music	Local (RECORDED BY YOUR STATION AND PERFORMED OR COMPOSED BY AN AUSTRALIAN)	:
	Australian (PERFORMED OR COMPOSED BY AN AUSTRALIAN— EXCLUDES RECORDINGS MADE BY YOUR STATION)	:
	Overseas (PERFORMED OR COMPOSED BY A NON-AUSTRALIAN)	:
Sub-total music	All music programming	:
Total hours broadcast	Total hours broadcast	:

54. Describe how the programs proposed would meet the needs and interests of the community to be served.

PROVIDE EVIDENCE IN SUPPORT OF THIS CLAIM AS APPENDIX Q54.

YES NO

55. Does the transferee have a programming policy or guidelines?

IF YES, PLEASE INCLUDE A COPY AS APPENDIX Q55.

YES NO

Section 9: Capacity to provide the proposed services

FINANCIAL CAPACITY TO PROVIDE THE PROPOSED SERVICE

NOTE: WHEN MAKING FINANCIAL ESTIMATES PLEASE ASSUME ZERO INFLATION AND USE COSTS THAT ARE CURRENT AT THE TIME OF APPLICATION.

56(a). Provide details of the estimated income of the proposed service using the categories and format shown below:

56(b). Provide evidence supporting your estimates in question 56(a) and detail any assumptions you have made including proposed sponsorship rates, if available.

PROVIDE EVIDENCE AS APPENDIX Q56.

YES NO

REVENUE CATEGORY	YEAR 1 (\$)	YEAR 2 (\$)	YEAR 3 (\$)
Government sources			
Community sources			
Business sources			
Donations:			
- community			
- personal			
- business			
Grants:			
- government			
- non-government			
- members			
Subscriptions:			
- members			
- subscribers			
Sale of air/program time			
Newsletter program guide:			
- sales			
- sponsorship revenue			
Other sales (T-SHIRTS ETC)			
Promotions/fundraisers (CONCERTS, FUNCTIONS)			

Staffing details

69. Provide a total breakdown of proposed staffing for the first year of operation, listing proposed staff titles within each of the categories listed below.

CATEGORY	Paid staff 1 (\$)		Volunteers (\$)		Total (\$)
	Full time	Part time	Full time	Part time	No.
Programs (E.G. COORDINATORS, ANNOUNCERS, PANEL OPERATORS ETC)					
Administration and sponsorship (E.G. STATION MANAGER, ACCOUNTANT, OFFICE STAFF, SPONSORSHIP REPRESENTATIVE)					
Technical (E.G. TECHNICAL AND MAINTENANCE STAFF RESPONSIBLE FOR STUDIO AND TRANSMISSION EQUIPMENT)					
Totals					

70. Indicate any changes to the organisation's staff numbers planned for years 2 and 3 of operation.

Compliance with the licence conditions and codes of practice

71. How does the transferee intend to ensure compliance with the *Broadcasting Services Act 1992* and the conditions of the licence?

72(a). Describe the operational measures and in-house policies the transferee would enforce to ensure compliance with the codes of practice if the licence were transferred.

72(b). Describe how the transferee proposes to handle comments and complaints about its service from members of the public.

Section 10: Control of the licence

73. If the licence were transferred to the transferee would it, or any person associated with the transferee, be in a position to exercise control of more than one community broadcasting licence which is a broadcasting services bands licence in the same licence area?

74. If the licence were transferred to the transferee would the Commonwealth, a state or territory, or a political party be in a position to exercise control of the licence?

Extracts from the *Broadcasting Services Act 1992*

15 Community broadcasting services

Community broadcasting services are 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.

[...]

84 Allocation of community broadcasting licences

[...]

- (2) 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 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; 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.

91A Transfer of community broadcasting licences

Application for approval of transfer

- (1) A community broadcasting licensee may apply to the ACMA for approval of the transfer of the community broadcasting licence to another person.
- (2) Applications must:
 - (a) be in accordance with a form approved in writing by the ACMA; and
 - (b) be accompanied by the application fee determined in writing by the ACMA.

Decision about approval of transfer

- (3) After considering an application for approval of the transfer of a community broadcasting licence, the ACMA must, by written notice given to the applicant:
 - (a) approve the transfer; or
 - (b) refuse to approve the transfer.

Criteria

- (4) The ACMA must not approve the transfer of a community broadcasting licence that is a broadcasting services bands licence if:
 - (a) the proposed transferee is not a company that:
 - (i) was formed in Australia or in an external Territory; and
 - (ii) represents a community interest; or
 - (b) in the case of a transfer of a CTV licence—the proposed transferee is not a company limited by guarantee within the meaning of the Corporations Act 2001; or
 - (c) the ACMA decides that subsection 83(2) applies to the proposed transferee.
- (5) Paragraph (4)(c) does not require the ACMA to consider the application of subsection 83(2) in relation to a proposed transferee before approving the transfer of a licence to the proposed transferee.
- (6) The ACMA must not approve the transfer of a community broadcasting licence unless the ACMA is satisfied that:
 - (a) if the licence has not been renewed—the proposed transferee represents the same community interest as the original licensee represented when the licence was allocated; or
 - (b) if the licence has been renewed on one or more occasions—the proposed transferee represents the same community interest as the applicant for renewal represented when the licence was last renewed.
- (7) In deciding whether to approve the transfer of a community broadcasting licence, the ACMA must have regard to:
 - (a) the principle that, except in special circumstances, the transfer should not be approved if consideration has been, or is to be, provided to the applicant in relation to the proposed transfer; and
 - (b) such other matters (if any) as the ACMA considers relevant.

Transfer

- (8) If the ACMA has approved the transfer of a community broadcasting licence to a particular person, the community broadcasting licensee may, within 90 days after the approval was given, transfer the community broadcasting licence to the person.