

# Application for allocation of subscription television broadcasting licences

Section 96 of the *Broadcasting Services Act 1992*



Effective from August 2008

## Instructions for completion

- Please print clearly. Forms which are illegible, unclear or incomplete details may be returned for clarification.

### Where to send this form

- Completed application form with the appropriate payment should be forwarded to:  
Radiocommunications Licensing and Assignments Section  
Australian Communications and Media Authority  
PO Box 78  
BELCONNEN ACT 2616

### Further information

Enquiries can be forwarded to Radiocommunications Licensing and Assignments Section,  
Phone: 1300 850 115, fax: 02 6219 5347 or email:  
[licensing@acma.gov.au](mailto:licensing@acma.gov.au).

## Explanatory notes

**Please read the explanatory notes before completing the application form.**

Section 96(1) of the *Broadcasting Services Act 1992* (the Act), provides that the Australian Communications and Media Authority (ACMA) may allocate a subscription television broadcasting licence.

### Subscription broadcasting service

A subscription broadcasting service is defined at section 16 of the Act:

Subscription broadcasting services are broadcasting services that:

- Provide programs that, when considered in the context of the service being provided, appear to be intended to appeal to the general public;
- are made available to the general public but only on payment of subscription fees (whether periodical or otherwise); and
- comply with any determinations or clarifications under section 19 in relation to subscription broadcasting services.

No determinations or clarifications pursuant to section 19 have been made by the ACMA.

### Who may apply

A company formed in Australia or in an external Territory and which has share capital (section 95(1)). An application must be made on this form, Form ACMA B16.

### Service licences

Section 96(2) of the Act states that subscription television broadcasting licences are to be allocated on the basis of ONE LICENCE PER SERVICE.

From a programming perspective, the ACMA takes a service to be a single, discrete stream of programming material.

Licences do not have regard to the geographical limitations that may be imposed by a condition of an apparatus licence or other service delivery permit or authority. It is, therefore, not necessary to apply for more than one service licence where the proposed service may extend beyond a discrete transmitting coverage area and the programming is identical.

If, however, a service is altered in any way to cater for the specific needs of a particular community, for example, inclusion of local sports or news, then another licence is required for the separate service.

Applicants wishing to deliver multi-channel packages of services require one (1) licence for each service that would be categorised as a subscription television broadcasting service.

Please note that it is not necessary to lodge separate applications for individual service licences. An applicant may request multiple

licences in any one application. For example, the applicant may request one licence or 10.

### Licence allocation application fee

Each application is subject to an application fee (section 96(4)(b)). Fees are under regular review. Please contact the Radiocommunications Licensing and Assignments Section on 1300 850 115 or by email at [licensing@acma.gov.au](mailto:licensing@acma.gov.au) for the current fee and ensure that a cheque for the appropriate amount accompanies your application.

### Please note:

Applications should be lodged with the ACMA at least 12 weeks before the commencement of the service(s). Applicants should consider this time frame when applying for licences.

### Requests to the ACCC

Before the allocation of a subscription television broadcasting licence, the ACMA is required to request a report from the Australian Competition & Consumer Commission (ACCC) in relation to whether the allocation of a licence to the applicant would contravene section 50 of the *Trade Practices Act 1974* (TPA) and would not be authorised under section 88 of the TPA (power of Council to grant authorisation). The ACCC must provide this report within 30 days of the date of the request.

### Licence conditions

The conditions set out in Part 6 Schedule 2 of the Act apply. A copy of these conditions is attached.

Further conditions applicable to subscription television broadcasting licences are at Part 7 of the Act.

### Gazettal of allocation

Section 96(6) of the Act requires the ACMA to publish the name of the successful applicant in the Government Notices Gazette.

### Confidentiality

The ACMA and the ACCC will not disclose the information provided in this form unless required to do so by law.

### Supplying false or misleading information

Giving false or misleading information is a serious offence.

Providing documents that are false and misleading is also a serious offence.

Please note that the information provided in this form is for the purposes of both the ACMA and the Australian Competition & Consumer Commission (ACCC).

## **PART A: Information needed by the ACMA and the ACCC**

### ***Applicant details***

#### ***Name of applicant company.***

- Copy of certificate of incorporation.
- Name and contact details of contact person for this application.
- Address, telephone, and facsimile numbers of applicant company.
- Names and addresses of applicant company directors.  
(Please indicate if a foreign person – see explanatory notes.)

### ***Ownership and control information***

- Name of ultimate parent/holding company, if any  
(Please provide a corporate ownership diagram, if appropriate).
- Details of any other related body corporate with a company interest in:
  - Any other television broadcasting (including narrowcasting) services; or
  - Video program production/distribution companies; or
  - Manufacturers/distributors of domestic television reception equipment necessary to receive a subscription television broadcasting service.

## **PART B: Information needed by the ACMA**

### ***Programming & Service Information***

- Number of licences required.
- Details of the proposed program schedule for a typical broadcasting period (e.g. one week) for each service for which a licence is requested.
- Date of commencement of proposed service(s).  
(Please note: Applications should be lodged at least 12 weeks before the commencement of the service(s). Applicants should consider this time frame when applying for licences).

## **PART C: Information needed by the ACCC**

### ***Service delivery and reception***

- Details of the proposed technical means of service delivery.
- Details of any proposed agreements/contracts/understandings between the applicant and/or a related body corporate and an equipment supplier for the supply of domestic reception equipment necessary to receive a subscription television broadcasting service.
- Details of the proposed geographical areas of reception.

### ***Programming supply agreements***

- Details of any current/proposed agreements/contracts/understandings between the applicant and/or a related body corporate and other service providers or video program producers/distributors.

### ***Subscription payment***

- Details of the proposed subscriber payment management systems for the service.

**PART D: Declaration and certification**

**Certification of application**

We, on behalf of the Board of Directors of this company, certify and declare that:

We are aware of the statutory conditions that apply to a subscription television broadcasting licence.

This application is made with the authority of the board of:

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Presiding member or chairperson of the board (state title)

Printed name
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SIGNATURE	DATE
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PRINT NAME AND TITLE
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Secretary of other executive office bearer (state title)

Printed name
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SIGNATURE	DATE
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PRINT NAME AND TITLE
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Dated this

Day of

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**TIME TAKEN TO COMPLETE THIS FORM**

- This only if you are a small business with fewer than 20 employees.

Please provide an estimate of the time taken to complete this form.

Include:

- The time actually spent reading the instructions, working on the question and obtaining the information.
- The time spent by all employees in collecting and providing this information.

HRS	MINS
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Return this page with the completed form.

**ACMA USE ONLY**

A copy of this form has been sent to Secretariat

YES

NO