

Draft guide for transfer of community broadcasting licences released

ACMA recently released its draft *Guide to the Transfer of Community Broadcasting Licences*. The guide, which was developed to assist licensees, lists the circumstances in which ACMA may approve a transfer and contains advice on the kind of evidence that may be submitted in support of an application.

An amendment to the *Broadcasting Services Act 1992*, effective from June 2006, enabled ACMA to approve the transfer of a community broadcasting licence. ACMA may only approve such a transfer if:

- the proposed transferee is a company of the sort that would be eligible to be allocated such a licence in the first place, that is:
 - it is the type of organisation that may apply to be allocated a licence and
 - it represents a community interest

- ACMA has not decided that the proposed transferee is not a suitable licensee and
- ACMA is satisfied that the proposed transferee represents the same community interest that the licensee represented at the time of initial allocation or most recent renewal, whichever is later.

The guide makes it clear to applicants that the transfer process will be open and accountable.

When considering an application for transfer, ACMA will take into account the undesirability, except in special circumstances, of payment or any other form of consideration being made to the licensee for the proposed transfer.

ACMA will also take account of the matters in section 84(2) of the *Broadcasting Services Act* and consider whether it would allocate the licence were it deciding whether to allocate the licence to the

proposed transferee. Under section 84(2) of the Act, ACMA considers:

- 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 service
- the nature and diversity of the interests of that community
- the nature and diversity of other broadcasting services (including national broadcasting services) available within that licence area
- the capacity of the applicant to provide the proposed service
- 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
- the undesirability of the Commonwealth, a state or territory or a political party being

in a position to exercise control of a community broadcasting licence.

Applications must be made by a community broadcasting licensee in accordance with the approved form (ACMA B75 – Application to transfer a community broadcasting licence). The guide does not apply to the transfer of a licence for a community broadcasting service serving a remote Indigenous community (form ACMA B76).

Comments on the draft guide closed on 6 August 2007 and ACMA will take any submissions into account in finalising the guide. The draft guide and information about community broadcasting are on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Broadcasting: Broadcasting licensing > Licence types > Community > Transfer of community broadcasting licences).

Temporary community broadcasting licences allocated, July 2007

State	Licence area	Licensee	Community served	Frequency	Start	Finish	Allocated
NT	Arnhem Land RA1	Aboriginal Resource and Development Services Inc	Aboriginal	1530 kHz, 1503 kHz, 1593 kHz, 1566 kHz, 1476 kHz	27/7/07	26/7/08	20/7/07
WA	Pilbara RA1	Gumala Aboriginal Corporation	Aboriginal	102.1 MHz, 104.9 MHz, 101.7 MHz, 102.7 MHz, 102.9 MHz, 106.5 MHz, 102.9 MHz	26/7/07	25/7/08	23/7/07

Children's and preschool programs granted classification, July 2007

Program title	Series	Episode description	Program style	Program type	Country of origin	New/renewal	Class	Decision date	Applicant
<i>Animalia</i>	1	19,21,23,24,25,26, 27,28,29, 31	Animation	Drama – Series	Australia	New	CD	16/7/07	Animalia Productions Pty Limited
<i>Raggs</i>	3	131-195	Live Action/ Animation /Puppetry	Light Entertainment – Variety	Australia	New	P	20/7/07	Southern Star Entertainment Pty Ltd
<i>The Adventures of Charlotte and Henry</i>	1	Jan-26	Animation	Drama – Series	Australia	New	PRC	25/7/07	Mammal Pty Ltd

Class – Classification, C – C Classification, CD – C Drama, P – P Classification, PRC – Provisional C, PRP – Provisional P
 a. A classification expires five years after the date it was granted or renewed.