Price-based allocation of high-power open narrowcasting (HPON) transmitter licences

Registration forms

JUNE 2021

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Written enquiries may be sent to:

Manager, Editorial Services
PO Box 13112
Law Courts
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Email: info@acma.gov.au

Registration forms

Form 1 – Application

Form 2 – Indemnity and guarantee

Form 3 – Authority

# General information

## Important notes

Please read the instructions carefully before submitting your registration forms.

It is in your interest to seek independent legal, financial and engineering advice before applying for a licence.

Before completing these forms, you should ensure you understand the conditions under which licences are being allocated. In particular, you should familiarise yourself with the Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014(the Determination)*.*[[1]](#footnote-2)

The application fee is non-refundable.

Registration forms and application fee amounts apply for each licence application. If you are applying for both available licences, you must fill out all three registration forms twice, and pay two application fee amounts.

**Giving false or misleading information is a serious offence under section 137.1 of the Criminal Code. See also section 136.1 of the Criminal Code.**

This registration forms package contains:

The application form for the allocation of either, or both, the Hobart (104.3 MHz) and Gosford (747 kHz) high-powered open narrowcasting (HPON) licences and advice for completion of the application form.

The indemnity and guarantee form and advice for completion.

The authority form and advice for completion.

The forms should be read in conjunction with the Application Information Pack and the Determination*.*

**Any queries should be directed to the Customer Service Centre.**

The completed **application form**, together with the **indemnity and guarantee form**, must be completed and submitted to the ACMA before **5pm Australian Eastern Daylight Time (AEDT)** on **Friday 23 July 2021**. If the applicant is a company or incorporated association, at least one **authority form** must also be provided by that time. The application fee must also be paid for each application.

The ACMA will not accept applications received after 5pm 23 July 2021.

**Forms should be sent by:**

Email: info@acma.gov.au

Post:

Australian Communications and Media Authority
HPON Allocations
Licence Allocation Section
PO Box 78
Belconnen ACT 2616

Courier or express post:

Australian Communications and Media Authority
HPON Allocations
Licence Allocation Section
Red Building, Benjamin Offices
Chan Street
Belconnen ACT 2617

Contact details for further information:

ACMA Customer Service Centre
Telephone:1300 850 115
Email: info@acma.gov.au.

# How to complete the application

These instructions are cross-referenced to each section of the application. Relevant details must be completed before the form can be accepted. If you are completing the form by hand, use of block letters will assist legibility. A separate application form must be filled out for each licence for which you are applying.

### Applicant particulars

**A.** Insert the full name(s) of the person who wishes to make an application. An application by a company must comply with section 127 of the *Corporations Act 2001*. If the application is made on behalf of an unincorporated body, the application must be in the name of an individual and the licence, if issued, will be held by that individual. In the case of a trust, a trustee must sign this form as the applicant. A given name and surname is required. Where the applicant has a registered office, the address of the registered office should be used. Insert Australian Company Number (ACN) or Australian Registered Business Number (ARBN) of the applicant as appropriate.

**B.** Insert the details of the person to whom inquiries and correspondence should be directed as well as a second person who can be contacted if your principal contact person is unavailable. All contact details requested should be provided if possible. The ACMA needs these details so that in an emergency we can contact the applicant during the allocation.

**C.** The application fee is $837 and will not be waived or refunded. The application fee must be received by **5pm Australian Eastern Daylight Time (AEDT)** on **Friday 23 July 2021**. Please email or call the ACMA Customer Service Centre (details on page 3) to request an invoice for payment of the application fee.

**D.** Tick either the Gosford or the Hobart box to indicate the licence for which you wish to apply. Tick one box only. If you wish to apply for both licences, you must provide a separate application form and deed of indemnity and guarantee for each licence.

**E.** Sign the form. If there is insufficient space, please sign or execute as appropriate on an attached sheet of paper.

**F.** Date the form.

**It is advisable for you to keep a copy of all completed forms.**

# Application form

## Applicant particulars

**A. Full name and address of applicant**

Applicant’s surname or company name Given names Title

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |

Postal address

|  |
| --- |
|  |

|  |
| --- |
|  |

Suburb/City/Town State Postcode Country

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |

Company ACN or ARBN (if applicable) ACMA client number (if known)

|  |  |  |
| --- | --- | --- |
|  |  |  |

**B. Contact details**

**Principal contact person**

Surname Given names Title

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |

Position

|  |
| --- |
|  |

Address (if different to above)

|  |
| --- |
|  |

Telephone number

 BH AH Mobile

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ( ) |  | ( ) |  |  |

Facsimile Email

|  |  |  |
| --- | --- | --- |
| ( ) |  |  |

**Backup contact person**

Surname Given names Title

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |

Position

|  |
| --- |
|  |

Address (if different to above)

|  |
| --- |
|  |

Telephone number

 BH AH Mobile

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ( ) |  | ( ) |  |  |

Facsimile Email

|  |  |  |
| --- | --- | --- |
| ( ) |  |  |

|  |  |
| --- | --- |
| **C. Application fee (section 13(2)(d) of the Determination)** | **$837.00** |

**NB: This fee is not refundable.**

**D. HPON licence area**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Hobart |  | Gosford |

**E. Applicant signature**

*The details provided in this form and in the attached supplementary sheets are true and correct in every detail.*

EXECUTED AS A DEED

Signed, sealed and delivered by

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Print name of applicant) (Signature of applicant)

Signed in the presence of

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Print name of witness) (Signature of witness)

Witness address

|  |
| --- |
|  |

**OR,** if the applicant is a company:

EXECUTED AS A DEED

Signed, sealed and delivered for and on behalf of

|  |
| --- |
|  |

(Print name of company)

|  |
| --- |
|  |

(Print ABN, ACN or ARBN)

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Print name of director) (signature of Director)

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Print name of director/secretary) (Signature of director/secretary)

**H. Date**

|  |
| --- |
| **\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_** |

# Indemnity and guarantee form

## Notes on completion

1. This indemnity and guarantee form is approved by a delegate of the Australian Communications and Media Authority (ACMA).
2. A separate indemnity and guarantee form must be filled out for each licence for which you are applying.
3. All sections of this form must be completed.
4. All applicants must complete this form.
5. The applicant referred to in this indemnity and guarantee form must be the same as on the related application form. A separate indemnity and guarantee form must be completed for each licence applied for.
6. This indemnity and guarantee form must be executed as a deed by the applicant. Where the applicant is a company or an incorporated association, the form must be executed by the company or incorporated association and by a director or office-bearer of the applicant in his or her personal capacity, acting as a guarantor for the applicant’s obligations under this form.
7. Enquiries may be directed to the ACMA Customer Service Centre (contact details on page 3).
8. Use typewritten or block letters to complete this form. Forms that are illegible, unclear or incomplete may not be accepted.
9. Before completing this form, you should also read:
> the Applicant Information Package: Price-based allocation of high-power open narrowcasting (HPON) transmitter licences
> the Radiocommunications (Allocation of Transmitter Licences – High Powered Open Narrowcasting Licences) Determination 2014.

# Indemnity and guarantee form

|  |  |  |  |
| --- | --- | --- | --- |
| This indemnity and guarantee form is made this |  |  day of |  2021  |

In favour of the Commonwealth of Australia, represented by the Chair of the Australian Communications and Media Authority, a non-corporate Commonwealth entity established under the *Australian Communications and Media Authority Act 2005*

|  |  |  |
| --- | --- | --- |
| by |  | (the ‘applicant’) |

 (Insert name of applicant)

|  |  |  |
| --- | --- | --- |
| and by |  | (the ‘guarantor’) |

 (Insert name of guarantor and position held by guarantor with applicant)

**Only required where the applicant is a company or incorporated association.**

|  |  |  |
| --- | --- | --- |
| in relation to the application made by the applicant for an open narrowcasting transmitter licence in the following licence area plan |  | (the ‘relevant transmitter licence’) |

 (Insert ‘Hobart’ or ‘Gosford’)

## Recitals

1. The ACMA has made the Determination which determines a price-based allocation system for allocating the relevant transmitter licence under section 106 of the *Radiocommunications Act 1992*.
2. The applicant has applied for the relevant transmitter licence, to be used in the provision of an open narrowcasting service, that is to be issued in accordance with the Determination.
3. In accordance with the Determination, the applicant and, if applicable, the guarantor, are required to provide an indemnity and guarantee as set out in this indemnity and guarantee form in respect of any loss suffered or costs incurred by the ACMA as a result of an act, default or omission of the applicant or its authorised agent at any stage of the allocation process for the relevant transmitter licence.

## Interpretation

In this form, unless the contrary intention appears:

‘ACMA’ means Australian Communications and Media Authority

‘applicant’ means the applicant identified at the commencement of this form

‘acknowledgment’ means the Form of Acknowledgement referred to in subsection 11(5) of the Determination

‘indemnity and guarantee’ means this indemnity and guarantee form

‘guarantor’ means the guarantor identified at the commencement of this form

‘relevant transmitter licence’ means the transmitter licence identified at the commencement of this form

‘licence’ means a transmitter licence to be allocated under the Determination

‘Determination’ means the Radiocommunications (Allocation of Transmitter Licences – High Powered Open Narrowcasting Licences) Determination 2014which relates to the relevant transmitter licence

‘authorised agent’ means an individual for whom an authority form has been lodged under paragraph 13(2)(c) or section 15 of the Determination.

## Operative clauses

1. The applicant indemnifies the Commonwealth, including the ACMA, against any loss or costs which may be suffered or incurred as a result of an act, default or omission by the applicant or their authorised agent at any stage of the allocation process in relation to the relevant transmitter licence under the Determination. The applicant must pay to the ACMA immediately upon demand the amount of the losses and costs suffered or incurred as a result of such act, default or omission
2. If the applicant defaults in the performance of their obligation referred to in clause 1 above, the guarantor (if any) indemnifies the Commonwealth, including the ACMA, against any loss or costs which the Commonwealth may suffer or incur as a result of an act, default or omission by the applicant or their authorised agent at any stage of the allocation process under the Determination. The guarantor must pay to the ACMA immediately upon demand the amount of the losses and costs suffered or incurred by the Commonwealth as a result of such act, default or omission.
3. Neither the obligations of the applicant or the guarantor under this indemnity and guarantee, nor the binding effect of this indemnity and guarantee, is affected or impaired by:
* any provision to, or acceptance by, the ACMA or the Commonwealth of additional security
* any release by the ACMA or the Commonwealth of any security (except this indemnity and guarantee)
* any waiver, consent or other action or inaction or any exercise by the ACMA or the Commonwealth of any right, remedy or power with respect to the applicant or the guarantor
* any insolvency, bankruptcy, reorganisation, arrangement, composition, liquidation, dissolution of the applicant or the guarantor
* any variation in the terms of the acknowledgment.
1. The applicant and the guarantor rely solely on their own judgment and do not rely on any representations or warranties made to either the applicant or the guarantor, or any other person, by the ACMA or the Commonwealth, or their officers or agents.
2. The applicant and the guarantor represent and warrant as follows:
* the execution, delivery and performance by the applicant and the guarantor of this indemnity and guarantee does not contravene any law in Australia
* the applicant and the guarantor have the power and authority to execute and deliver this indemnity and guarantee and to carry out its terms and conditions.
1. This indemnity and guarantee is to be construed and to take effect in accordance with the laws in the Australian Capital Territory, and any dispute relating to the construction, meaning or effect of this indemnity and guarantee or the liabilities of the applicant and the guarantor under this indemnity and guarantee is to be governed by those laws.
2. The applicant and guarantor submit to the jurisdiction of the courts of the Australian Capital Territory and the Federal Court of Australia.
3. The submission to the jurisdiction of the courts of the Australian Capital Territory and the Federal Court is exclusive except in so far as the High Court of Australia has jurisdiction to hear any matter involving the ACMA or the Commonwealth.
4. Any stamp duty payable on this deed must be borne and paid by the applicant and the guarantor.
5. No variation, modification or waiver of any provision of this indemnity and guarantee can be made nor have any force or effect unless approved in writing by the ACMA.

**Executed as a deed**

 *[Appropriate execution block if the applicant is an individual]*

**Signed, sealed and delivered**

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ signature

 (Print name of the applicant)

in the presence of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ signature

 (Print name)

*[Appropriate execution block if the applicant is a company]*

|  |
| --- |
| **Signed, sealed and delivered**for and on behalf of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Print name of the company)ACN or ARBN\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Print ACN or ARBN)by authority of the directors: |
| (Print name of director) | (Print name of director/secretary) |

|  |  |
| --- | --- |
| (Signature of director) | (Signature of director/secretary) |

*[If the applicant is a statutory authority or other body corporate, then please execute a deed in the appropriate manner.]*

**Executed as a deed**

*[Appropriate execution block for the guarantor]*

**Signed, sealed and delivered**

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (name) signature

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (position)

(Print name and position of the guarantor)

in the presence of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ signature

 (Print name)

# Authority form

## Notes on completion

1. This authority form (the authority) has been approved pursuant to subsection 11(6) of the Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014 (the Determination).
2. A separate authority form must be filled out for each licence for which you are applying.
3. Persons completing this authority form should read the Determination and, if necessary, seek appropriate advice.
4. The authority confers certain powers and obligations on the representatives of applicants, and applicants and their representatives should understand these clearly before completion.
5. Once completed and submitted to the ACMA, this authority may not be altered.
6. This authority must be completed where an individual is to represent an applicant at the auction. A separate authority must be completed for each individual representing an applicant. Applicants that are companies or incorporated associations must lodge at least one authority form in order to be registered as an applicant. Applicants who are individuals need not complete an authority if they are to represent themselves at auction.
7. All sections must be completed unless they are optional. Optional sections are the applicant registration number and the telephone contacts of the applicant’s representative. The applicant referred to in this authority must be the same as on the related application form and indemnity and guarantee form. The address of the applicant will be taken to be the same as provided in the application form. If there is insufficient space, please attach necessary details.
8. If another individual is to represent the applicant at the licence allocation exercise (the auction) another authority form must be given to the ACMA no later than two business days before the auction starts.
9. This authority must contain original signatures (or other form of execution) of the applicant and applicant representative.

I submit this application form in conjunction with an authority form, indemnity and guarantee form, and application fee, to register for the allocation.

I submit this second authority form in substitution for the authority form previously lodged with the ACMA.

I submit this second authority form in addition to the authority form previously lodged with the ACMA.

|  |  |  |  |
| --- | --- | --- | --- |
| This authority is made this |  | day of | 2021 |

|  |  |
| --- | --- |
| by |  |

 *Insert name and ACN or ARBN if applicable (applicant)*

|  |  |
| --- | --- |
| Applicant registration number (if known)  |  |

## Introduction

A. The Australian Communications and Media Authority has made the *Radiocommunications (Allocation of Transmitter Licences – High Power Open Narrowcasting Licences) Determination 2014* (the Determination) under section 106 of the *Radiocommunications Act 1992*.

B. The applicant wishes to apply for one or more licences that are to be issued by the Australian Communications and Media Authority under the Determination.

C. The applicant wishes to appoint the person described below to act on the applicant’s behalf in relation to the allocation of licences under the Determination.

**Part A**

**1. Authorisation**

|  |  |  |
| --- | --- | --- |
| 1.1 | The applicant authorises |  |

 (full name)

|  |  |
| --- | --- |
| of  |  |

 (Address)

 (‘the bidder’)

|  |  |
| --- | --- |
| who may be contacted by telephone at |  |

 (if applicable)

 to do on the applicant’s behalf, all acts, and execute all forms that are necessary for the applicant to be issued with a licence under the Determination, including:

(a) to bid for a licence at a licence allocation exercise held in accordance with the Determination

(b) to complete and lodge an acknowledgement form on behalf of the applicant

(c) to do anything else that is reasonably necessary or incidental to the things set out in (a) or (b) above.

1.2 The terms set out at Part B of this authority are part of this authority.

The applicant has executed this authority on the day and year written above.

|  |  |
| --- | --- |
|  |  |

(Print name of applicant)

|  |  |
| --- | --- |
|  |  |

(Signature of applicant)

|  |  |
| --- | --- |
| in the presence of  |  |

 (Print name of witness)

|  |  |
| --- | --- |
|  |  |

 (Signature of witness)

**Or**, if the applicant is a company:

**Signed, sealed and delivered** for and on behalf of

|  |  |
| --- | --- |
|  |  |

(Print full name of company)

|  |  |  |
| --- | --- | --- |
| ACN or ARBN |  |  |

by authority of the directors

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Print name of director) (Print name of director/secretary)

|  |  |  |
| --- | --- | --- |
|  |  |  |

(Signature of director) (Signature of director/secretary)

*If insufficient space, please attach details on a separate sheet of paper.*

**Or**, in any other case (e.g. incorporated association or statutory authority) please execute in the appropriate form (attach if necessary).

## Part B – Terms

**Acknowledgment**

* The applicant acknowledges and warrants that it has authority to appoint the bidder.
* The applicant must ensure that the bidder is made aware of the duties and obligations that apply to the bidder under the Determination.
* The applicant is responsible for ensuring that the bidder participates in the licence allocation exercise. The Commonwealth, including the ACMA, its officers, servants and agents accept no responsibility for the failure of the applicant or a bidder to participate in the licence allocation exercise or any failure of the applicant or a bidder to comply with the rules relating to the licence allocation exercise as set under the Determination.

**Duration**

* This authority remains in force until the relevant licence allocation exercise has been completed, or until the ACMA receives from the applicant a notice of revocation executed by the applicant in the same manner and with the same formality as this authority.

**No sub-delegation**

* The bidder is not authorised under this authority to appoint any substitutes, delegates or other representatives to act on the applicant’s behalf under this authority.

**Amendments**

* This authority cannot be amended.

**Severability**

* If any provision of this authority is invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provision, are and continue to be valid and enforceable in accordance with their terms.

**Definitions and interpretation**

* In this authority form, unless the contrary intention appears:
* ‘Act’ means the *Radiocommunications Act 1992*
* ‘applicant’ means the person identified at the commencement of this authority as the applicant
* ‘authority’ means this authority form
* ‘Commonwealth’ means the Commonwealth of Australia, represented by the Chair of the ACMA.
* ‘Determination’ means the Radiocommunications (Broadcasting (Low Power Open Narrowcasting) Transmitter Licence – Allocation) Determination 2014.
* ‘Licence’ has the same meaning as in the Determination.
* ‘ACMA’ means the Australian Communications and Media Authority.
* Words in the singular number include the plural and words in the plural number include the singular.
* Words and phrases used in this authority form have the same meaning as in the Determination.
1. The Determination is accessible, free of charge, on the Federal Register of Legislation at [www.legislation.gov.au](http://www.legislation.gov.au). [↑](#footnote-ref-2)