

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BROADCASTING AND TELEVISION

(CONSEQUENTIAL AMENDMENTS) BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by the authority of the
Minister for Communications
The Hon. Michael Duffy MP)

OUTLINE

1. The Broadcasting and Television (Consequential Amendments) Bill 1985 (the Bill) amends Acts related to the Broadcasting and Television Act 1942 (the Broadcasting Act) as a consequence of the amendments of that Act proposed by the Broadcasting and Television Act Amendment Bill 1985 (the Broadcasting Bill).
2. The consequential amendments proposed in this Bill result from the amended licence definitions and associated terminology in the Broadcasting Bill. These amendments have no financial implications for the Commonwealth.

NOTES ON CLAUSES

Clause 1: Short Title

3. Formal

Clause 2: Commencement

4. The Bill will come into effect on the day fixed by Proclamation for the operation of certain provisions of the Broadcasting and Television Amendment Act 1985.

Clause 3: Amendment of Acts

5. See Notes on Schedule (paragraphs 7 to 19 of this memorandum)

Clause 4: Transitional

6. Clause 4 preserves the application of the amended Broadcasting Act to licences held under that Act after the Commencement date fixed by Clause 2.

NOTES ON SCHEDULE

Australian Broadcasting Corporation Act 1983

7. These amendments would delete the translator licence definitions in section 3, substitute reference to re-broadcasting licence for existing translator references in section 73 and amend references to the title of the Broadcasting Act. Re-broadcasting licences are provided for in the Broadcasting Bill and will authorise, amongst other things, the re-broadcasting of ABC programs. This is currently authorised pursuant to translator station licences.

Commonwealth Electoral Act 1918

8. The new definition of "broadcaster" proposed in sub-section 287(7) and the proposed amendments of sections 310 and 333 reflect the change in title of the Broadcasting Act, the amended licence definitions and the use of the term "broadcast" to mean both radio and television transmissions, as provided in the Broadcasting Bill.

Copyright Act 1968

9. The proposed repeal of sub-section 9(2) reflects the repeal of sections 120 and 121 of the Broadcasting Act, as proposed by the Broadcasting Bill.
10. The proposed amendments in sub-section 10 (1) reflect the amended licence definitions provided in the Broadcasting Bill and the change in title of the Broadcasting Act.

11. The proposed amendment of sub-section 152(9) substitutes reference to the Australian Broadcasting Tribunal for an obsolete reference to the former Australian Broadcasting Control Board.

Parliamentary Proceedings Broadcasting Act 1946

12. The substituted reference to the Australian Broadcasting Corporation Act 1983 (ABC Act) for the existing reference in sub-section 3(1) is necessary because the Broadcasting Bill would repeal the definition of "national translator station" from the Broadcasting Act.

13. The proposed amendments of sections 4 and 16 are formal and reflect the proposed new title of the Broadcasting Act.

Radiocommunications Act 1983

14. The proposed new definitions of "broadcasting station" and "television station" in sub-section 3(1) ensure that this definition is consistent both with the amended Broadcasting Act and the ABC Act.
15. The proposed amendments of sub-sections 21(8) and 55(2) reflect the proposed new title of the Broadcasting Act.
16. The proposed amendment of sub-section 89(3) reflects the proposed change in title of the Broadcasting Act, the proposed new definition of "technical condition" and the proposed amendment to relocate section 111D of the Broadcasting Act as section 125E.

Referendum (Machinery Provisions) Act 1984

17. The proposed new definition of "broadcaster" in section 110 and the proposed amendments of section 111 serve the same purpose as the corresponding amendments proposed in sub-section 287(1) and section 310 of the Commonwealth Electoral Act 1918 (see paragraph 8 of this memorandum).

Sales Tax (Exemptions and Classifications) Act 1935

18. Formal amendment of Item 45 of Second Schedule to reflect proposed change in title of Broadcasting Act.

Telecommunications Act 1975

19. The proposed amendment of paragraph 94(2)(e) reflects the proposed change in title of the Broadcasting Act.
20. The proposed amendment of paragraph 94(2)(f) substitutes reference to re-transmission licence for the existing reference to the similar licences currently granted under section 130A of the Broadcasting Act. Section 130A would be repealed by the Broadcasting Bill.

