

1992

THE PARLIAMENT OF THE COMMONWEALTH  
OF AUSTRALIA

SENATE

BROADCASTING SERVICES BILL 1992

FURTHER SUPPLEMENTARY EXPLANATORY MEMORANDUM  
AND CORRECTION

Amendments and New Clauses to be Moved on Behalf of the  
Government

(Circulated by the authority of the Minister for Transport  
and Communications, Senator the Hon. Bob Collins)

## BROADCASTING SERVICES BILL 1992

### OUTLINE

The Government is proposing to move two further amendments to the Broadcasting Services Bill 1992 to: delete clause 198 of the Bill which would have enabled the ABA to apply to a magistrate for a search warrant to enter and seize documents not produced in response to a summons issued by the ABA; and to insert a new clause after clause 211, to provide that the maximum penalties for continuing offences after the first day of the offence will accrue at the rate of 10% per day of the maximum penalty for the principal offence.

### FINANCIAL IMPACT

The proposed amendments will have no financial impact.

### NOTES ON CLAUSES

#### Proposed amendment 1

The first amendment will delete clause 198 which would have enabled the ABA to apply to a magistrate for a warrant to enter premises and seize documents not produced in response to a summons issued by the ABA under clause 171 or 193. This provision is to be removed because it is superfluous as the ABA would be able to seek such a warrant under section 10 of the Crimes Act 1914.

#### Proposed amendment 2

The second amendment will insert a new clause after clause 211 to provide that, in relation to continuing offences against the Bill, the maximum penalty for each day on which the offence continues, other than the day on which the offence first occurs, is to be one tenth of the maximum penalty for the principal offence. There has been some criticism of the level of the penalties for offences against the Bill and the fact that they are continuing offences with the potential to involve a \$10 million fine per day for each day a corporation is in breach. This possible amendment would soften the consequence of the continuing nature of the offences by providing that the penalty would accumulate at the rate of only 10% per day of the maximum penalty for the principal offence.

### CORRECTIONS

The following corrections are made to the Explanatory Memorandum for the Broadcasting Services Bill 1992, introduced into the Senate on 4 June 1992.

Correction 1

Page 65, Part 8, first paragraph, last sentence, delete  
"The nature of VAEIS guidelines has to date..."



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