

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

EXPLANATORY MEMORANDUM.

RADIOCOMMUNICATIONS (MISCELLANEOUS PROVISIONS) BILL 1982

1. This Bill is consequent upon the passage of the Radiocommunication Licence Fees Bill 1982 and includes incidental matters which are necessary for its effective operation.
2. It amends the Wireless Telegraphy Act 1905 by omitting from it the existing provisions relating to payment of fees for the grant or renewal of licences, as these are now provided for in the Radiocommunications Licence Fees Bill. It also allows fees to be prescribed for other matters relating to administration of the Wireless Telegraphy Act but not including fees for the grant or renewal of licences.
3. Provision is made for any fees already paid pursuant to regulations made under the Wireless Telegraphy Act to be refunded or offset against future payments if they are greater than fees payable under the new legislation.
4. That part of the Overseas Telecommunications Act which exempts the Overseas Telecommunications Commission (Australia) from the payment of licence fees is repealed so that OTC(A) will now be liable for such fees.
5. This Bill makes amendments consequent upon the Radiocommunications Licence Fees Bill. That Bill is a tax measure and section 55 of the Constitution provides that only tax measures can validly be included in a tax bill.

## NOTES ON CLAUSES

### RADIOCOMMUNICATIONS (MISCELLANEOUS PROVISIONS) BILL 1982

#### PART I - PRELIMINARY

Clause 1 - short title

Clause 2 - provides for Parts I and III of the proposed Act to commence upon Royal Assent and for Part II to commence when the Radiocommunications Licence Fees Act 1982 comes into effect.

#### PART II - AMENDMENT OF WIRELESS TELEGRAPHY ACT 1905

Clause 3 - defines the Wireless Telegraphy Act 1905 as the Principal Act in Part II.

Clause 4 - amends section 5 of the Wireless Telegraphy Act 1905 by omitting the provision for prescription of licence fees under the section. This is necessary so that such fees may be prescribed under the Radiocommunications Licence Fees Act 1982.

Clause 5 - repeals section 10 (the regulation making power) of the Wireless Telegraphy Act 1905 and substitutes a new section 10 which, in addition to the usual regulation making power, provides that fees may be prescribed for matters connected with the Wireless Telegraphy Act 1905 but not including fees for the grant or renewal of licences. This is so that fees may be prescribed for examinations and other administrative matters.

Clause 6 - provides that, where fees paid under the previous provisions exceed those payable under the new provisions, the excess must either be repaid by the Commonwealth or applied by it to reducing future fees. The Consolidated Revenue Fund is appropriated accordingly. This is so that any concessions under the proposed legislation will apply retrospectively and the benefits of concessions will be payable to licensees.

#### PART III - AMENDMENT OF OVERSEAS TELECOMMUNICATIONS ACT 1946

Clause 7 - defines the Overseas Telecommunications Act 1946 as the Principal Act in Part III.

Clause 8 - omits sub-section 74(2) of the Overseas Telecommunications Act 1946, which provides that all licences granted to OTC(A) shall be free of charge. The OTC(A) will therefore be liable for licence fees.