

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 15 April 1988)

(SENATOR POWELL)

A B I L L

FOR

An Act to amend the Broadcasting Act 1942 in relation to
television licences, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the
House of Representatives of the Commonwealth of Australia,
as follows:

Short title etc.

5 1. (1) This Act may be cited as the Broadcasting
(Ownership and Control - Television Licences) Act 1988.

(2) In this Act, "Principal Act" means the
Broadcasting Act 1942.

Commencement

10 2. This Act commences on the day on which it receives the
Royal Assent.

Limitation of interests of commercial television licence

3. Section 92 of the Principal Act is amended by omitting from paragraph (1)(a) "60%" and substituting "43%".

Transitional

4. (1) This section applies to a person who, immediately before the commencement of this section, held a prescribed interest in a commercial television licence whose service area population exceeds, or in each of 2 or more commercial television licences the aggregate of whose service area populations exceeds, 43% of the declared population of Australia. 5
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(2) Paragraph 92(1)(a) of the Principal Act continues to apply to a person to whom this section applies until the end of the period of 3 years after the commencement of this section. 15

(3) If, after the end of that period of 3 years, a person to whom this section applies holds a prescribed interest in a commercial television licence whose service area population exceeds, or each of 2 or more commercial television licences the aggregate of whose service area populations exceeds, 43% of the declared population of Australia, that commercial television licence, or each of those commercial television licences, as the case may be, is revoked. 20

(4) The Australian Broadcasting Tribunal may, at any time in that period of 3 years, conduct an inquiry into whether a person to whom this section applies is taking appropriate and sufficient steps to ensure that the person complies with paragraph 92(1)(a) of the Principal Act as amended by this Act by the end of that period. 25
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5 (5) Where, after conducting such an inquiry, the Tribunal is satisfied that the person is not taking appropriate and sufficient steps to ensure that the person complies with paragraph 92 (1)(a) of the Principal Act as amended by this Act by the end of that period, the Tribunal may, by notice in writing given to the person, give such directions as it thinks necessary to ensure that the person complies with that paragraph by the end of that period.

10 (6) A person who contravenes a direction under subsection (5) is guilty of an offence.

Penalty:

(a) if the offender is a natural person - \$1,000; or

(b) if the offender is a body corporate - \$5,000.

15 (7) The provisions of the Broadcasting Act 1942 relating to the conduct by the Tribunal of inquiries apply to an inquiry by the Tribunal under this section.

20 (8) An application may be made by a licensee affected by a decision of the Tribunal under subsection (5) to the Administrative Appeal Tribunal for a review of that decision and, for the purposes of such a review, the Administrative Appeals Tribunal shall be constituted by a presidential member alone.

Directors

25 4. (1) Section 92C of the Principal Act is amended by omitting from subsection (1) "60%" and substituting "43%".

30 (2) The amendment made by subsection (1) does not apply to a person who, immediately before the commencement of this section, was a director of 2 or more companies that were at that time, between them, in a position to exercise control of licences the aggregate of whose service area

4 **Broadcasting (Ownership and Control - Television
Licences) No. , 1988**

populations exceeds 43% of the declared population of
Australian until the end of 6 months after that
commencement.