2008

The Parliament of the
Commonwealth of Australia

THE SENATE

Families, Housing, Community Services and
Indigenous Affairs and Other Legislation
Amendment (Emergency Response Consolidation)
Bill 2008

(Amendments to be moved by Senator Scullion on behalf of the Opposition in committee of the whole)

(1) Schedule 1, item 3, page 3 (line 9) to page 4 (before line 1), item 3 TO BE OPPOSED.

[appeals to AAT]

(2) Schedule 1, item 5, page 4 (line 9), omit “declared”.

[declared prescribed area]

(3) Schedule 1, item 5, page 4 (line 19), omit “declared”.

[declared prescribed area]

(4) Schedule 1, item 9, page 5 (line 22), omit “declared”.

[declared prescribed area]

(5) Schedule 1, item 10, page 6 (line 1) to page 9 (line 16), omit clause 12, substitute:

12 Condition applicable to certain subscription television narrowcasting services
provided in the Northern Territory under class licences

(1) The provision by a person of a subscription television narrowcasting service under a class licence is also subject to the condition that the licensee will not broadcast an R18+ program in a way that will enable a subscriber in a prescribed area (within the meaning of the Northern Territory National Emergency Response Act 2007) to view the program.

Sunset provision

(2) Subclause (1) ceases to have effect at whichever is the earlier of the following times:

(a) the end of the period of 5 years that began on the day after the day on which the Northern Territory National Emergency Response Act 2007 received the Royal Assent;

(b) if a shorter period is specified in a written instrument made by the Minister for the purposes of this paragraph—the end of that shorter period.
(3) An instrument under paragraph (2)(b) is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the instrument.

*R 18+ programs*

(4) For the purposes of this clause, an *R 18+ program* is a program that has been classified and/or assessed R 18+ by:
   (a) the Classification Board; or
   (b) the provider of the subscription television narrowcasting service concerned.

[licence condition in NT]

(6) Schedule 1, item 10, page 9 (after line 16), after clause 12, insert:

**12A Application of Racial Discrimination Act 1975**

(1) Clause 12 of this Schedule and the remaining provisions of this Act in so far as they relate to clause 12 of this Schedule, and any acts done under or for the purposes of those provisions:
   (a) are special measures for the purposes of the *Racial Discrimination Act 1975*; and
   (b) are excluded from the operation of Part II of the *Racial Discrimination Act 1975*.

(2) In this clause, a reference to any act done includes a reference to any failure to do an act.

[application of Racial Discrimination Act]

(7) Schedule 1, item 13, page 10 (lines 17 to 19), item 13 TO BE OPPOSED.

[declared prescribed area]

(8) Schedule 1, item 16, page 10 (line 28) to page 14 (line 6), item 16 TO BE OPPOSED.

[declared prescribed area]

(9) Schedule 2, page 15 (line 2) to page 16 (line 22), Schedule TO BE OPPOSED.

[transport of prohibited material]

(10) Schedule 3, items 1 to 9, page 17 (line 10) to page 18 (line 12), items 1 to 9 TO BE OPPOSED.

[access to Aboriginal land]

(11) Page 18 (after line 12), after Schedule 3, insert:

**Schedule 3A—Access to Aboriginal land**

*Aboriginal Land Rights (Northern Territory) Act 1976*

**1 Subsection 70B(2)**

Omit “may” (first occurring), substitute “must”.

[access to Aboriginal land]