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

(Government)

(1) Schedule 1, item 3, page 3 (after the table item relating to a declaration that a subscription television narrowcasting service is a declared subscription television narrowcasting service), insert:

| Refusal to approve the making of a declaration that a subscription television narrowcasting service is a declared subscription television narrowcasting service | Subclause 12(6A) of Schedule 2 | The person who provides the service under a class licence |

(2) Schedule 1, item 3, page 3 (after the table item relating to a refusal to revoke a declaration that a subscription television narrowcasting service is a declared subscription television narrowcasting service), insert:

| Refusal to approve an electronic format, or a publication, in relation to a subscription television narrowcasting service | Subclause 12(16A) of Schedule 2 | The person who provides the service under a class licence |

[R 18+ programs]
Revocation of the approval of an electronic format, or a publication, in relation to a subscription television narrowcasting service

Subclause 12(16A) of Schedule 2

The person who provides the service under a class licence

[R 18+ programs]

(3) Schedule 1, item 5, page 3 (line 20), before “prescribed area”, insert “declared”.

[R 18+ programs]

(4) Schedule 1, item 5, page 4 (line 2), at the end of paragraph 5(3A)(c), add “and”.

[R 18+ programs]

(5) Schedule 1, item 5, page 4 (after line 2), after paragraph 5(3A)(c), insert:

(c) the service is not exempt from this subclause;

[R 18+ programs]

(6) Schedule 1, item 5, page 4 (line 9), after “Note”, insert “1”.

[R 18+ programs]

(7) Schedule 1, item 5, page 4 (line 9), before “prescribed area”, insert “declared”.

[R 18+ programs]

(8) Schedule 1, item 5, page 4 (after line 9), at the end of subclause 5(3A) (after the note), add:

Note 2: See also subclauses 12(16A) to (16C).

[R 18+ programs]

(9) Schedule 1, item 5, page 4 (lines 10 to 18), omit subclause 5(3B), substitute:

(3B) If:

(a) a broadcaster provides a subscription television narrowcasting service under a class licence; and

(b) a declaration under subclause 12(6A) is in force in relation to the service;

then, unless the ACMA otherwise determines, the service is exempt from subclause (3A) of this clause.

(3BA) The Minister may give the ACMA a written direction in relation to the ACMA’s powers under subclause (3B).

(3BB) The ACMA must comply with a direction under subclause (3BA).

(3BC) A direction under subclause (3BA) is a legislative instrument.

Note 1: Section 42 (disallowance) of the Legislative Instruments Act 2003 does not apply to the direction—see section 44 of that Act.

Note 2: Part 6 (sunsetting) of the Legislative Instruments Act 2003 does not apply to the direction—see section 54 of that Act.

[R 18+ programs]

(10) Schedule 1, item 5, page 4 (line 23), after “(3B)”, insert “, (3BA), (3BB), (3BC)”.

[R 18+ programs]
(11) Schedule 1, item 9, page 5 (lines 2 and 3), omit the definition of *prescribed area* in subclause 5(10).

[R 18+ programs]

(12) Schedule 1, item 9, page 5 (before line 4), before the definition of *R 18+ program* in subclause 5(10), insert:

*declared prescribed area* has the same meaning as in the *Northern Territory National Emergency Response Act 2007*.

[R 18+ programs]

(13) Schedule 1, item 10, page 6 (after line 7), after subclause 12(6), insert:

(6A) If a person provides a subscription television narrowcasting service under a class licence, the person may, with the written approval of the Minister, declare that the service is a *declared subscription television narrowcasting service* for the purposes of this clause.

(6B) A declaration under subclause (6A) can only be revoked under subclause (9).

[R 18+ programs]

(14) Schedule 1, item 10, page 6 (line 8), after “(4)”, insert “or (6A)”.

[R 18+ programs]

(15) Schedule 1, item 10, page 6 (after line 8), after subclause 12(7), insert:

(7A) An approval under subclause (6A) is not a legislative instrument.

[R 18+ programs]

(16) Schedule 1, item 10, page 6 (line 9), after “(4)”, insert “or (6A)”.

[R 18+ programs]

(17) Schedule 1, item 10, page 6 (line 11), after “(4)”, insert “or (6A)”.

[R 18+ programs]

(18) Schedule 1, item 10, page 6 (line 15), after “(4)”, insert “or (6A)”.

[R 18+ programs]

(19) Schedule 1, item 10, page 6 (line 30) to page 7 (line 4), omit subclause 12(14).

[R 18+ programs]

(20) Schedule 1, item 10, page 7 (after line 10), after subclause 12(16), insert:

*Pre-broadcast data*

(16A) For the purposes of this clause and subclause 5(3A), if, before a particular day, a schedule of the programs to be broadcast by a subscription television narrowcasting service on that day is:

(a) made available in an electronic format approved, in writing, by the ACMA in relation to the service; or

(b) made available in a publication approved, in writing, by the ACMA in relation to the service;

those programs are taken to have been broadcast by the service on that day in accordance with that schedule.
Incidental material

(16B) For the purposes of this clause and subclause 5(3A), if an item of incidental material is broadcast during a break in a substantive program, the item of incidental material is taken to be a part of the substantive program.

(16C) For the purposes of this clause and subclause 5(3A), if one or more items of incidental material are broadcast during the period:

(a) beginning at the end of a particular substantive program (the first substantive program) broadcast on a subscription television narrowcasting service; and

(b) ending immediately before the start of the next substantive program to be broadcast on the service;

each of those items of incidental material are taken to be a part of the first substantive program.

[R 18+ programs]

(21) Schedule 1, item 10, page 7 (after line 14), after the definition of declared prescribed area in subclause 12(17), insert:

incidental material means:

(a) advertising or sponsorship material (whether or not of a commercial kind); or

(b) a promotion for a television program or a subscription television narrowcasting service; or

(c) community information material or community promotional material; or

(d) a news break or weather bulletin; or

(e) any other similar material.

[R 18+ programs]

(22) Schedule 1, item 10, page 7 (after line 20), after the definition of R 18+ program in subclause 12(17), insert:

substantive program means a program other than incidental material.

[R 18+ programs]

(23) Schedule 3, page 15 (before line 5), before item 1, insert:

1A Paragraph 70(2A)(d)

Omit “or as a member of the Legislative Assembly of the Northern Territory”, substitute “, as a member of the Legislative Assembly of the Northern Territory or as a member of a local government body in the Northern Territory”.

[candidates for NT local government bodies may enter or remain on Aboriginal land]

(24) Schedule 3, item 1, page 15 (line 10), after “land”, insert “, other than a sacred site”.

[authorisations not to extend to sacred sites]

(25) Schedule 3, item 1, page 15 (line 11), after “land)”, insert “, other than a sacred site”.

[authorisations not to extend to sacred sites]