Broadcasting Amendment Bill (No. 2) 1987

Date introduced: 25 February 1987
House: House of Representatives
Presented by: Hon. Michael Duffy, M.P., Minister for Communications

Digest of Bill

Purpose

To introduce financial penalties for the late payment of television and radio licence fees.

Background

Fees for licences for commercial television and radio stations are payable under the Television Licence Fees Act 1964 and the Radio Licence Fees Act 1964. The fees are payable on a sliding scale based on the gross earnings of the station and are payable on the anniversary of the date of commencement of the licence. The maximum rate of fees is 5.5% for commercial radio stations and 8% for commercial television stations.

Total radio licence fees payable in 1985-86 were $7.396 million, of which $5.935 million was payable by metropolitan stations, based on revenue of $264.887 million. Fees payable in 1984-85 were $5.901 million.1 Television licence fees payable in 1985-86 were based on revenue of $882.947 million and amounted to $60.915 million, of which $52.898 million was payable by metropolitan stations, compared with $53.356 million in 1984-85.2

The only penalty presently available for the late payment of fees is the suspension, revocation or non-renewal of the licence. Such action would be seen by many to be a drastic reaction to a relatively minor offence. The intention to introduce penalty fees for late payment was announced by the Minister in a press release dated 23 June 1986. The proposed penalty fees reflect the position in other areas of government administration such as taxation.
Main Provisions

Clause 3 will amend section 86 of the Broadcasting Act 1942 (the Principal Act) to require an unreasonable or repeatedly delayed failure to pay fees before a licence renewal can be refused. This will replace the current provision that any failure to pay may lead to non-renewal.

Clause 4 will amend section 88 of the Principal Act, which deals with the suspension or revocation of licences, in the same manner.

A new section 123A will be inserted into the Principal Act by clause 5 and will deal with penalties for unpaid fees. If a fee remains unpaid after two months after it is due, a penalty calculated at the rate of 20% per annum will be payable from the date due. An authorised person will be able to remit the penalty where satisfied that the circumstances that resulted in the delay were not the result of the licence holder and licence holder has attempted to mitigate the effect of those circumstances or where that person is satisfied that due to special circumstances it is reasonable to remit part or all of the penalty.

The amendments will apply to fees payable after the Bill comes into operation (clause 7).

Clause 6 and the Schedule to the Bill will apply the same amendments to old system licences that still apply.

References

2. *ibid.* p. 43.

For further information, if required, contact the Education and Welfare Group.

9 March 1987

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

© Commonwealth of Australia 1987

Except to the extent of the uses permitted under the *Copyright Act* 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.