BROADCASTING AND TELEVISION AMENDMENT BILL (No. 2) 1978

Date Introduced: 15 November 1978
House: House of Representatives
Presented by: The Honourable A.A. Staley, M.P., Minister for Post and Telecommunications

Short Digest of Bill

Purpose

This Bill amends the provisions of the Broadcasting and Television Act 1942 which relate to applications for the grant or renewal of licences.

Background

The Broadcasting and Television Amendment Act 1977 inserted a new Part IIIB which set out procedures for the granting or renewal of licences by the Australian Broadcasting Tribunal. Following the procedures set out in this Part the Minister, in April 1978, offered 26 public radio licences and 48 applications were received. Of these, 12 (including 5 existing stations) arrived late, and 14 (including 3 existing stations) were incorrectly completed. The Tribunal advised the 12 late applicants that they were to be excluded but agreed to accept the 14 incorrectly completed applications. If this decision had been implemented the legal situation could have presented problems. So, on 21 August 1978 the Minister announced that the Act would be amended to give the Tribunal more flexibility with regard to the time of receipt of applications. The legislation would also validate all applications resulting from his original invitations.

Main Provisions

Section 82 of the Principal Act is amended by clause 4 to give the Tribunal power to grant an extension of time for the lodging of an application, submission or reply and to take any actions necessary for the proper consideration of such an application.

Clause 6 amends section 86 to provide that an application for the renewal of a licence must now be lodged with the Tribunal (instead of the Minister) not less than 20 weeks before the expiration of the licence; in addition clause 6 inserts a new section 86(6A) which makes similar
provision, as in section 82, for the Tribunal to grant an extension of time for applications for renewals and to do all necessary things in consequence of this.

Section 119A is amended by the insertion of a paragraph which allows an application to be made to the Administrative Appeals Tribunal for review of a refusal by the Tribunal to grant an extension of time for the lodging of an application for a renewal of a licence under new section 86(6A).

The transitional provisions in section 33 of the Broadcasting and Television Amendment Act 1977 are amended by clause 8 to allow the Tribunal to grant an extension of time for the lodging of an application for renewal of a licence and the right of appeal against a refusal of the Tribunal to grant such an extension.

Clauses 9 and 10 validate applications made to the Minister and determinations and approvals given by the Minister before the commencement of this Bill as if they had been made to or by the Tribunal in accordance with the Act as amended by this Bill.


22 November 1978

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