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

Schedule of the amendments made by the Senate

(1) Schedule 1, item 3, page 3 (line 9) to page 4 (before line 1), omit the item.

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

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

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

(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 R 18+ 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.
(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 acts done includes a reference to any failure to do an act.

(7) Schedule 1, item 13, page 10 (lines 17 to 19), omit the item.

(8) Schedule 1, item 16, page 10 (line 28) to page 14 (line 6), omit the item.

(9) Schedule 2, page 15 (line 2) to page 16 (line 22), omit the Schedule.

(10) Schedule 3, items 1 to 9, page 17 (line 10) to page 18 (line 12), omit the items.

(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”.

HARRY EVANS
Clerk of the Senate

The Senate
27 November 2008