

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

BROADCASTING STATIONS LICENCE FEES AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by the authority of the
Minister for Communications,
The Hon. Michael Duffy MP)

OUTLINE

1. The Broadcasting Stations Licence Fees Amendment Bill 1985 (the Bill) amends the Broadcasting Stations Licence Fees Act 1964 (the Principal Act). The amendments have two main purposes:
 - to provide for payment of licence fees by the holders of remote radio licences under the Broadcasting and Television Act 1942 (the Broadcasting Act) as proposed to be amended by the Broadcasting and Television Amendment Bill 1985 (the Broadcasting Bill); and
 - to amend the "licence" references and associated terminology in the Principal Act, as a consequence of the amendments proposed by the Broadcasting Bill.

2. It is not possible at this time to provide a realistic estimate of the extra revenue which may be obtained by the Commonwealth, as the revenue which might result from the provision of remote radio services is not known.

NOTES ON CLAUSES

Clauses 1 and 2: Short Title and Commencement

3. The first two clauses provide for the short title and commencement of the legislation. The Bill will come into effect on the day fixed by Proclamation for the operation of certain provisions in the Broadcasting and Television Amendment Act 1985.

Clauses 3 and 4: Title and Short Title of Principal Act

4. The title and short title of the Principal Act are to be repealed. The new title and short title are consistent with licence definitions in the Broadcasting Bill.

Clause 5: Incorporation of Principal Act

5. Formal amendment to reflect the new title of the Broadcasting Act proposed by the Broadcasting Bill.

Clause 6: Interpretation

6. The definition of "gross earnings" in the Principal Act is to be amended to:
 - employ terminology consistent with the Broadcasting Bill; in particular, the term broadcasting is used to cover both radio and television transmissions; and
 - to apply the definition to remote radio licences held by members of a consortium under the Broadcasting Act (as proposed to be amended by the Broadcasting Bill).

7. The new "licence" definitions:

- apply the Principal Act to remote radio licences; and
- are consistent with relevant definitions in the Broadcasting Bill.

Clause 7: Licence Fees

8. The amendment of section 5 of the Principal Act would make it clear that the fee payable on grant of a licence is by way of tax and is therefore appropriate to be included in an Act that imposes taxation.

Clauses 8 and 9: Amount of Fees

9. The amendments of sections 6 and 7 of the Principal Act:

- apply to remote radio licences the same fees scale as presently applies to commercial broadcasting station licences and to supplementary broadcasting licences;
- employ terminology consistent with the amended licence definition in section 4 (Clause 6); and
- reflect the new title of the Broadcasting Act proposed by the Broadcasting Bill.

Clause 10: Repeal of Section 8

- Section 8 of the Principal Act is to be repealed as obsolete by virtue of the amended definition of licence in section 4 (Clause 6). This section at

present deems references to commercial broadcasting stations to apply to supplementary broadcasting licences.

Clause 11: Transitional

11. Clause 11 preserves the application of the Principal Act at present to any commercial broadcasting station licences and supplementary broadcasting licences which, after Commencement of certain provisions in the Broadcasting and Television Amendment Act 1985, are held under the existing Broadcasting Act.

