

BROADCASTING AND TELEVISION AMENDMENT ACT (No. 2) 1978

No. 210 of 1978

An Act relating to applications for the grant or renewal of licences under the *Broadcasting and Television Act 1942*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

- Short title, &c. 1. (1) This Act may be cited as the *Broadcasting and Television Amendment Act (No. 2) 1978*.¹
- (2) The *Broadcasting and Television Act 1942*² is in this Act referred to as the Principal Act.
- Commence- 2. This Act shall come into operation on the day on which it receives
ment the Royal Assent.¹
- Interpret- 3. Section 80 of the Principal Act is amended by omitting from the
ation definition of “applicant” in sub-section (1) “sub-paragraph (i) of para-
graph (b) of sub-section (1) of”.
- Applications 4. Section 82 of the Principal Act is amended—
- (a) by omitting from sub-sections (2) and (3) “in accordance with”
and substituting “by virtue of”;
- (b) by omitting from sub-section (4) “under” and substituting “by
virtue of”; and
- (c) by adding at the end thereof the following sub-section:
- “(5) Notwithstanding the preceding provisions of this sec-
tion, where the Tribunal is satisfied that the circumstances jus-
tify its so doing, it may, of its own motion or at the request of any
interested person—
- (a) grant an extension of the time for the lodgment of a par-
ticular application, submission or reply by virtue of those
provisions, whether or not that time has expired; and
- (b) give such directions, and do such things, in consequence
of the grant of the extension as it considers necessary or
expedient for the just and proper consideration of the ap-
plication or applications for the grant of the licence
concerned.”.

5. Section 83 of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) “in accordance with” and substituting “by virtue of”.

Consideration
of
applications
by Tribunal

6. Section 86 of the Principal Act is amended—

Renewal

(a) by omitting sub-sections (1), (2) and (3) and substituting the following sub-section:

“(1) An application for the renewal of a licence shall be lodged with the Tribunal, not less than 20 weeks before the expiration of the licence, in accordance with a form supplied by the Tribunal.”;

(b) by omitting from sub-section (4) “receipt of the application” and substituting “the lodgment of an application for the renewal of a licence by virtue of sub-section (1)”;

(c) by omitting from sub-section (5) “in accordance with” and substituting “by virtue of”;

(d) by omitting from sub-section (6) “under” and substituting “by virtue of”;

(e) by inserting after sub-section (6) the following sub-section:

“(6A) Notwithstanding the preceding provisions of this section, where the Tribunal is satisfied that the circumstances justify its so doing, it may, of its own motion or at the request of any interested person—

(a) grant an extension of the time for the lodgment of an application, a particular submission, or a reply, by virtue of those provisions, whether or not that time has expired; and

(b) give such directions, and do such things, in consequence of the grant of the extension as it considers necessary or expedient for the just and proper consideration of the application for the renewal of the licence.”;

(f) by omitting from sub-section (8) “in accordance with” and substituting “by virtue of”; and

(g) by omitting sub-section (9) and substituting the following sub-section:

“(9) The Tribunal shall, at the inquiry or in its consideration of the application, as the case may be, have regard to any submissions, and to any reply, lodged in accordance with this section.”.

7. Section 119A of the Principal Act is amended—

Review of
decisions

(a) by inserting after paragraph (b) of sub-section (1) the following paragraph:

“(ba) a refusal by the Tribunal to grant, under sub-section (6A) of section 86, an extension of the time for the lodgment of an application by virtue of sub-section (1)

of that section or a reply by virtue of sub-section (6) of that section;” and

- (b) by inserting in paragraph (a) of sub-section (2) “(ba),” after “(b),”.

Amendments
of
*Broadcasting
and
Television
Amendment
Act 1977*

8. Section 33 of the *Broadcasting and Television Amendment Act 1977*³ is amended—

- (a) by omitting from sub-section (4) “made” and substituting “lodged”;
- (b) by omitting from paragraph (b) of sub-section (4) “Minister” and substituting “Tribunal”;
- (c) by omitting sub-sections (5), (6) and (7) and substituting the following sub-sections:

“(5) An application for the renewal, under this section, of a licence, other than the first such renewal, shall be lodged not less than 20 weeks before the expiration of the licence.

“(6) An application for the renewal, under this section, of a licence shall be lodged with the Tribunal in accordance with a form supplied by the Tribunal.

“(7) Notwithstanding the preceding provisions of this section, where the Tribunal is satisfied that the circumstances justify its so doing, it may, of its own motion or at the request of the applicant, grant an extension of the time for the lodgment of an application by virtue of those provisions, whether or not that time has expired.”;

- (d) by omitting from sub-section (8) “receipt of the application” and substituting “the lodgment of an application for the renewal of a licence in accordance with this section”;
- (e) by omitting from paragraph (a) of sub-section (12) “and” (last occurring); and
- (f) by inserting after paragraph (a) of sub-section (12) the following paragraph:

“(ab) the reference in paragraph (ba) of sub-section (1) of that section to a refusal by the Tribunal to grant, under sub-section (6A) of section 86, an extension of the time for the lodgment of an application by virtue of sub-section (1) of that section included a reference to a refusal by the Tribunal to grant, under sub-section (7) of this section, an extension of the time for the lodgment of an application by virtue of sub-section (4) or (5) of this section; and”.

9. Notwithstanding the amendments of section 33 of the *Broadcasting and Television Amendment Act 1977* made by this Act—
- Pending applications, &c., under *Broadcasting and Television Amendment Act 1977*
- (a) an application made to the Minister in accordance with that section and pending immediately before the date of commencement of this Act has effect on and after that date as if it had been lodged with the Tribunal in accordance with that section as amended by this Act;
 - (b) a determination made by the Minister before that date under paragraph (4) (b) of that section has effect on and after that date as if it had been made by the Tribunal under that paragraph as amended by this Act; and
 - (c) an approval given by the Minister before that date under sub-section (5) of that section has effect on and after that date as if it were a grant of an extension of time made by the Tribunal under sub-section (7) of that section as amended by this Act.
10. (1) This section applies to a public broadcasting licence—
- Public broadcasting licences
- (a) to which a notice published in the *Gazette* under sub-section 82 (1) of the Principal Act on 24 April 1978, 15 May 1978 or 13 June 1978 relates; and
 - (b) which was granted before the commencement of this section, or is granted after the commencement of this section, to a person who applied for the grant of the licence not later than 5 July 1978.
- (2) Section 82 of the Principal Act shall not be taken as affecting, or as having affected, the validity of a licence to which this section applies, notwithstanding that any requirement of the notice published in pursuance of sub-section 82 (1) of the Principal Act in respect of that licence, or any requirement of section 82, 83 or 84 of the Principal Act, has not been or is not complied with in relation to the grant of the licence.

NOTES

1. Act No. 210, 1978; assented to 6 December 1978.
2. Act No. 33, 1942, as amended. For previous amendments *see* Act No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954; Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82, 1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 55, 1974; No. 56, 1975; Nos. 89 and 187, 1976; No. 160, 1977; and No. 52, 1978.
3. Act No. 160, 1977, as amended. For previous amendments *see* Act No. 52, 1978.