

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 15 May 1985

(*Minister for Communications*)

A BILL

FOR

An Act to amend the *Television Stations Licence Fees Act 1964*

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

Short title, &c.

5 **1. (1)** This Act may be cited as the *Television Stations Licence Fees Amendment Act 1985*.

(2) The *Television Stations Licence Fees Act 1964*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2.** This Act shall come into operation on the day fixed by Proclamation for the purposes of sub-section 2 (1) of the *Broadcasting and Television Amendment Act 1985*.

Title

3. The title of the Principal Act is repealed and the following title is substituted:

15 “An Act to provide for the payment of fees in respect of certain television licences”.

Short title

4. Section 1 of the Principal Act is amended by omitting “Stations”.

Incorporation of Broadcasting Act

5. Section 3 of the Principal Act is amended by omitting “and Television”.

Interpretation

6. Section 4 of the Principal Act is amended by omitting from sub-section (1) the definitions of “gross earnings” and “licence” and substituting the following definitions:

“ ‘gross earnings’, in respect of a licence in respect of a period, means—

- (a) in a case to which neither paragraph (b) nor paragraph (c) applies—the gross earnings of the licensee during that period in respect of the televising pursuant to the licence of advertisements or other matter, including the gross earnings of the licensee during that period in respect of the provision by the licensee of, or otherwise in respect of, matter televised pursuant to the licence, not being earnings from the production and recording on photographic film, or the recording on photographic film, of matter consisting wholly of an advertisement; 10
- (b) in the case of a remote television licence to which sub-section 81 (6) of the *Broadcasting Act 1942* applies—the aggregate amount of the gross earnings during that period in respect of the televising pursuant to the licence of advertisements or other matter of all the persons who, at any time during that period, are co-owners of the licence, including the gross earnings of those persons during that period in respect of the provision by any or all of those persons of, or otherwise in respect of, matter televised pursuant to the licence, not being earnings from the production and recording on photographic film, or the recording on photographic film, of matter consisting wholly of an advertisement; or 20
- (c) in the case of a supplementary television licence to which sub-section 81 (6) of the *Broadcasting Act 1942* applies—the aggregate amount of the gross earnings during that period in respect of the televising pursuant to the licence of advertisements or other matter of all the persons who, at any time during that period, are co-owners of the licence, including the gross earnings of those persons during that period in respect of the provision by any or all of those persons of, or otherwise in respect of, matter televised pursuant to the licence; 35

‘licence’ means a commercial television licence, a remote television licence or a supplementary television licence;” 40

Licence fees

7. Section 5 of the Principal Act is amended by omitting “by the licensee of a commercial television station,” and substituting “by a licensee, by way of tax” 45

Amount of fees

8. Section 6 of the Principal Act is amended—

(a) by omitting from sub-section (2) “of the station to which the licence relates” and substituting “in respect of the licence”;

(b) by omitting from sub-section (2A) “of a commercial television station” and substituting “in respect of a licence”;

(c) by omitting sub-section (3) and substituting the following sub-section:

“(3) Where a licensee has, in accordance with sub-section 123 (2) of the *Broadcasting Act 1942*, adopted an accounting period ending on a day other than 30 June, the reference in sub-section (2) of this section to 30 June shall, in relation to the licence, be read as a reference to that other day.”; and

(d) by omitting from sub-section (5) “of a commercial television station” and substituting “in respect of a licence”.

Earnings of subsidiary companies, &c.

9. Section 7 of the Principal Act is amended—

(a) by omitting from paragraph (a) “the licensee of a commercial television station” and substituting “a licensee”;

(b) by omitting from paragraph (a) “of the station” and substituting “in respect of the licence”; and

(c) by omitting from paragraph (b) “of the station” and substituting “in respect of the licence”.

Repeal of section 8

10. Section 8 of the Principal Act is repealed.

Transitional

11. (1) Notwithstanding the amendments made by this Act, the previous Fees Act continues to apply in relation to old system licences.

(2) In this section—

“old system licence” means—

(a) a licence for a commercial television station within the meaning of the previous *Broadcasting Act*; or

(b) a supplementary television licence within the meaning of the previous *Broadcasting Act*;

“previous Fees Act” means the Principal Act as in force immediately before the commencement of this Act;

“previous *Broadcasting Act*” means the *Broadcasting Act 1942* as in force immediately before the commencement of this Act.

NOTE

1. No. 118, 1964, as amended. For previous amendments, see No. 93, 1966; Nos. 103 and 189, 1976; No. 96, 1977; No. 51, 1978; No. 169, 1981; No. 156, 1982; and No. 59, 1983.

