



Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992

No. 105, 1992

Compilation No. 7

Compilation date:	1 July 2016
Includes amendments up to:	Act No. 33, 2016
Registered:	7 July 2016

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992* that shows the text of the law as amended and in force on 1 July 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to make transitional arrangements and consequential amendments as a result of the enactment of the *Broadcasting Services Act 1992*

Part 1—Preliminary

1 Short title

This Act may be cited as the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992*.

2 Commencement

This Act commences on the day fixed under subsection 2(2) of the *Broadcasting Services Act 1992* or on the day applicable under subsection 2(3) of that Act, as the case requires.

3 Interpretation—expressions used in the Broadcasting Services Act

In this Act, unless the contrary intention appears, expressions that are defined in section 6 of the *Broadcasting Services Act 1992* have the same meaning when used in this Act.

3A Act does not extend to Norfolk Island

This Act does not extend to Norfolk Island.

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Part 2—Transitional provisions

Division 1—Preliminary

4 Interpretation

In this Part, unless the contrary intention appears:

Broadcasting Act means the *Broadcasting Act 1942*.

Tribunal means the Australian Broadcasting Tribunal formerly constituted under the *Broadcasting Act 1942*.

Division 3—Directorships and control

17 Special provision for certain directorships

If:

- (a) immediately before the commencement of this Act, a person was a director of a company; and
- (b) the holding by the person of that directorship was not a contravention of the Broadcasting Act; and
- (c) apart from this section, the holding by the person of that directorship would, immediately after the commencement of this Act, be a contravention of the new Act;

the holding by the person of that directorship (including a holding on re-election) is not a contravention of the new Act.

19 Grandfathering of existing interests relevant to control

(1) If:

- (a) a person was not, immediately before the commencement of this Act, in contravention of a provision of Part IIIBA of the Broadcasting Act because the person was taken not to be, by reason of the application of the provisions of that Part, in a position to exercise control of a former commercial radio licence, a former commercial television licence, a newspaper or a company; and
- (b) the person would, but for this section, be in contravention of a provision of Part 5 of the new Act on that commencement because the person would be taken to be in a position to exercise control of the corresponding commercial radio broadcasting licence or commercial television broadcasting licence, or that newspaper or company, as the case may be;

the person is not taken to be in a position to exercise control of the licence, newspaper or company, as the case may be, for the purposes of the new Act while the circumstances of that person relevant to deciding under the new Act whether that person is in a

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position to exercise control of that licence, newspaper or company remain unchanged.

(2) In this section:

corresponding commercial radio broadcasting licence, in relation to a former commercial radio licence, means the commercial radio broadcasting licence to which paragraph 5(1)(a) refers in relation to that former licence.

corresponding commercial television broadcasting licence, in relation to a former commercial television licence, means the commercial television broadcasting licence to which paragraph 5(1)(b) refers in relation to that former licence.

newspaper has the same meaning as in Part IIIBA of the Broadcasting Act.

25 Continuation of secrecy provision

- (1) The ABA is entitled to possession of documents in the possession of the Tribunal immediately before the commencement of this Act.
- (2) Notwithstanding the repeal of section 125 of the Broadcasting Act, that section continues to apply to:
 - (a) former members, acting members, associate members and acting associate members of the Tribunal; and
 - (b) former members of the staff of the Tribunal; and
 - (c) members, acting members, associate members, acting associate members and members of the staff of the ABA in relation to documents referred to in subsection (1).
- (3) Section 38 of the *Freedom of Information Act 1982* applies to a document, or information contained in a document, to which subsection (2) relates by the application of paragraph 125(2)(a) of the Broadcasting Act

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Endnotes

Endnote 1—About the endnotes

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992	105, 1992	9 July 1992	5 Oct 1992 (<i>see</i> s. 2 and <i>Gazette</i> 1992, No. GN38)	—
Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992	167, 1992	11 Dec 1992	1 July 1993	—
Transport and Communications Legislation Amendment Act (No. 3) 1992	216, 1992	24 Dec 1992	ss. 64–66: 24 Dec 1992	—
Broadcasting Services Legislation Amendment Act 1997	143, 1997	8 Oct 1997	8 Oct 1997	—
Broadcasting Legislation Amendment Act (No. 2) 2002	120, 2002	2 Dec 2002	Schedules 1 and 2: 30 Dec 2002 Remainder: 2 Dec 2002	—
Statute Law Revision Act 2006	9, 2006	23 Mar 2006	Schedule 2 (item 8): 5 Oct 1992 (s 2(1) item 25)	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Schedule 1 (item 29): 29 June 2013	—
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 2 (items 184–186): 17 Oct 2014 (s 2(1) item 2)	—
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 2 (items 1–3): 10 Dec 2015 (s 2(1) item 3)	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (item 22): 1 July 2016 (s 2(1) item 7)	—

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Endnotes

Endnote 4—Amendment history

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Provision affected	How affected
Part 1	
s 3A	ad No 33, 2016
Part 2	
Division 1	
s. 4	am. No. 167, 1992; No 109, 2014
Division 2 heading.....	rep No 145, 2015
s 5	rep No 109, 2014
s 6	rep No 109, 2014
s 7	rep No 109, 2014
s 8	rep No 109, 2014
s 9	rep No 109, 2014
s. 10	am. No. 167, 1992
	rep No 109, 2014
s 11	rep No 109, 2014
s. 12	am. No. 216, 1992
	rep No 109, 2014
s 13	rep No 109, 2014
s 14	rep. No. 143, 1997
s 15	rep No 143, 1997
s 16	rep No 109, 2014
s 18	rep No 109, 2014
s 20	rep No 109, 2014
Division 4 heading.....	rep No 145, 2015
s 21	rep No 109, 2014
s. 22	am. No. 216, 1992
	rep. No. 143, 1997
s 23	rep No 109, 2014

Endnote 4—Amendment history

Provision affected	How affected
s 24	rep No 109, 2014
s 26	rep No 109, 2014
s 27	rep No 109, 2014
s 28	rep No 109, 2014
s 29	rep No 109, 2014
s 30	rep No 109, 2014
Division 5 heading.....	rep. No. 103, 2013
Division 6	
s. 27	am. No. 167, 1992
Part 3 heading.....	rep No 145, 2015
s. 28	am. No. 120, 2002
Schedule 1	rep No 109, 2014
Schedule 2	am. No. 9, 2006
	rep No 109, 2014