

## EXPLANATORY STATEMENT

### Australian Broadcasting Tribunal (Inquiries) Regulations (Amendment)

Statutory Rule No. 259 of 1990

Issued by the Authority of the Minister for  
Transport and Communications

Subsection 134(2A) of the Broadcasting Act 1942 (the Act) provides that the Governor-General may make regulations which "make provision for and in relation to inquiries, or any matter relating to inquiries" by the Australian Broadcasting Tribunal (the Tribunal). The Tribunal must hold an inquiry when it proposes to exercise one of its substantive powers (subsection 17C(1) of the Act), which are listed in subsection 17A(2) of the Act and include the powers to grant and renew licences. An inquiry into the exercise of a substantive power must be conducted in accordance with the Regulations (subsection 17C(5) of the Act).

The regulations amend the Australian Broadcasting Tribunal (Inquiries) Regulations (Statutory Rules 1986 No.100). They extend the situations in which the Tribunal may terminate inquiries and make amendments consequential on provisions of the Broadcasting Legislation Amendment Act 1988.

Details of the amendments are as follows:

#### Principal Regulations

Clause 1 provides that the Principal Regulations are the Australian Broadcasting Tribunal (Inquiries) Regulations.

#### Disposal of certain matters

Paragraphs 2(1)(a), (d), (e) and (f) extend the inquiries which the Tribunal may terminate under regulation 8 of the Principal Regulations where the Tribunal is satisfied that it is not necessary to make further investigation. Along with inquiries initiated by applications, Tribunal-initiated inquiries may be terminated.

Paragraphs 2(1)(b) and (c) insert into regulation 8 of the Principal Regulations references to limited licences. The new limited licence category was introduced by the Broadcasting Legislation Amendment Act 1988 as a means of licensing a range of broadcasting services which do not have

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public interest implications of the same magnitude as conventional forms of broadcasting. The Tribunal's powers in relation to limited licences are substantive powers. The amendments allow the Tribunal to terminate an inquiry into the grant or renewal of a limited licence where it is satisfied that no further investigation is necessary. This provides the Tribunal with the ability to better tailor an inquiry into the grant or renewal of a limited licence to the nature of the proposed service.

Subclause 2(2) is a technical amendment to remove the reference in regulation 8 of the Principal Regulations to re-broadcasting and re-transmission licences which have been replaced by retransmission permits issued by the Minister through amendments contained in the Broadcasting Legislation Amendment Act 1988.

#### Public notice of inquiry

Clause 3 makes a technical amendment to regulation 9 consequential to the Broadcasting Legislation Amendment Act 1988-