2008

The Parliament of the Commonwealth of Australia

THE SENATE

Presented and read a first time

Communications Legislation Amendment (Miscellaneous Measures) Bill 2008

No. , 2008

(Broadband, Communications and the Digital Economy)

A Bill for an Act to amend the law relating to communications, and for related purposes
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### Schedule 1—Amendments

*Broadcasting Services Act 1992*

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A Bill for an Act to amend the law relating to communications, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the Communications Legislation Amendment (Miscellaneous Measures) Act 2008.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
# Commencement information

<table>
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<tr>
<td>Provision(s)</td>
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<td>Date/Details</td>
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<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
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<td>2. Schedule 1</td>
<td>The day after this Act receives the Royal Assent.</td>
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1. Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

2. (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3. **Schedule(s)**

4. Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendments

Broadcasting Services Act 1992

1 Section 89

After “Subject to”, insert “subsection 90(1E) and”.

2 Subsection 90(1A)

Omit “An application”, substitute “Subject to subsection (1C), an application”.

3 After subsection 90(1B)

Insert:

Late applications

(1C) The ACMA may consider a late application for the renewal of a community broadcasting licence if:

(a) the licensee makes the application before the time when the licence is due to expire; and

(b) the application is accompanied by a written statement setting out the licensee’s reasons for the lateness of the application; and

(c) the ACMA considers that there are exceptional circumstances that warrant the consideration of the application.

(1D) In deciding whether there are exceptional circumstances that warrant the consideration of the application, the ACMA must have regard to:

(a) how late the application is; and

(b) the reasons given by the licensee for the lateness of the application; and

(c) the number of paid staff (if any) employed by the licensee; and

(d) such other matters (if any) as the ACMA considers relevant.

(1E) If:
(a) the ACMA decides, under subsection (1C), to consider a late application for the renewal of a community broadcasting licence; and
(b) the ACMA does not make a decision on the application before the time when the licence is due to expire;

the licence remains in force until the ACMA makes a decision on the application.

(IF) If:
(a) the ACMA decides, under subsection (1C), to consider a late application for the renewal of a community broadcasting licence; and
(b) the ACMA does not make a decision on the application within 26 weeks after receiving the application;

the ACMA is taken to have made, at the end of that 26-week period, a decision under section 91 to refuse to renew the licence.

Note: The following heading to subsection 90(2) is inserted “Notification”.

4 Subsection 91(1)
Omit “for a period of 5 years.”, substitute:

for:
(a) if:
(i) the ACMA renews the licence after the time when the licence was due to expire; and
(ii) under subsection 90(1E), the licence remained in force until the ACMA made a decision on the application;
the period:
(iii) beginning immediately after the time when the ACMA made a decision on the application; and
(iv) ending at the end of the period of 5 years that began immediately after the time when the licence was due to expire; or
(b) otherwise—the period of 5 years beginning immediately after the time when the licence is due to expire.

5 Application of amendments—sections 90 and 91 of the Broadcasting Services Act 1992
The amendments of sections 90 and 91 of the *Broadcasting Services Act* 1992 made by this Schedule apply to an application for renewal made after the commencement of this item.