Statutory Rules 1987 No.

Australian Broadcasting Tribunal (Inquiries) (Transitional Provisions) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the Broadcasting and Television Amendment Act 1985.

Dated 13 April 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Michael Duffy
Minister of State for Communications

Citation

1. These Regulations may be cited as the Australian Broadcasting Tribunal (Inquiries) (Transitional Provisions) Regulations.

Interpretation

2. (1) In these Regulations, unless the contrary intention appears, "the Act" means the Broadcasting and Television Amendment Act 1985.

(2) Words and expressions used in these Regulations that are used in Part III of the Act have in these Regulations the same respective meanings as in that Part.

(3) A reference in these Regulations to a relevant inquiry is a reference to an inquiry referred to in sub-section 98 (2) of the Act other than—

(a) an inquiry in relation to, or in relation to the holder of or a station operated pursuant to, an old system licence referred to in paragraph 98 (1) (a) of the Act, being an inquiry in respect of which—

(i) notice under sub-section 18 (2b), section 20 or sub-section 86 (4) of the previous Act had been published before the commencement of these Regulations; or
(ii) where sub-paragraph (i) does not apply—the Tribunal had, before the commencement of these Regulations, heard evidence, or argument, presented orally by a party to the inquiry in proceedings before the Tribunal at the inquiry or had made a finding on a matter in relation to the inquiry;

(b) an inquiry referred to in paragraph 98 (1) (b) of the Act;

(c) an inquiry referred to in paragraph 98 (1) (c) of the Act in respect of which notice under sub-section 82A (9) of the previous Act had been published before the commencement of these Regulations; or

(d) an inquiry in relation to a licence granted as a result of the application of the previous Act in accordance with paragraph 98 (1) (b) or (c) of the Act, being an inquiry in respect of which—

(i) notice under sub-section 18 (2B), section 20 or sub-section 86 (4) of the previous Act had been published before the commencement of these Regulations; or

(ii) where sub-paragraph (i) does not apply—the Tribunal had, before the commencement of these Regulations, heard evidence, or argument, presented orally by a party to the inquiry in proceedings before the Tribunal at the inquiry or had made a finding on a matter in relation to the inquiry.

Application of Division 3 of Part II of amended Act to relevant inquiries

3. (1) Division 3 of Part II of the amended Act applies in relation to a relevant inquiry as if it were an inquiry under sub-section 17C (1) of that Act.

(2) In the application of Division 3 of Part II of the amended Act, in accordance with sub-regulation (1), in relation to a relevant inquiry—

(a) the reference in sub-paragraph 8 (1) (a) (ii) of the Australian Broadcasting Tribunal (Inquiries) Regulations to a re-broadcasting licence shall be read as a reference to each of the following licences:

(i) a national broadcasting translator station licence;

(ii) a national television translator station licence;

(iii) a translator station licence; and

(b) the reference in sub-paragraph 8 (1) (a) (ii) of the Australian Broadcasting Tribunal (Inquiries) Regulations to a re-transmission licence shall be read as a reference to an old re-transmission licence.

NOTE