

1980-81-82

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Presented and read a first time, 4 May 1982

(*Minister for Communications*)

A BILL

FOR

**An Act to amend the *Wireless Telegraphy Act 1905* and the
Overseas Telecommunications Act 1946 and to provide for
certain matters consequential upon the enactment of the
*Radiocommunications Licence Fees Act 1982***

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

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Radiocommunications (Miscellaneous
Provisions) Act 1982*.

Commencement

- 10 2. (1) Parts I and III shall come into operation on the day on which this
Act receives the Royal Assent.
(2) Part II shall come into operation on the day on which the
Radiocommunications Licence Fees Act 1982 comes into operation.

PART II—AMENDMENTS OF WIRELESS TELEGRAPHY ACT 1905

Principal Act

3. The *Wireless Telegraphy Act* 1905¹ is in this Part referred to as the Principal Act. 5

Licences

4. Section 5 of the Principal Act is amended by omitting “and on payment of such fees”.

5. (1) Section 10 of the Principal Act is repealed and the following section is substituted: 10

Regulations

“10. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act, 15

and, in particular, regulations prescribing fees, including fees on applications for licences referred to in section 5, but not including fees in respect of the grant or renewal of such licences.”.

(2) Notwithstanding the repeal of section 10 of the Principal Act by sub-section (1), regulations made under that section that were in force immediately before the commencement of this section (other than regulations prescribing fees in respect of the grant or renewal of licences referred to in section 5 of the Principal Act) continue in force, by virtue of this sub-section, but may be amended or repealed by regulations under the section substituted by sub-section (1). 20
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Repayment of certain fees, &c.

6. (1) Where the total amount of the fees paid by a person under section 5 of the Principal Act in respect of the grant or renewal of licences referred to in that section on or after 1 July 1981 and before the commencement of this section exceeds the total amount of the fees that are payable, or, but for sub-section 12 (3) of the *Radiocommunications Licence Fees Act* 1982 (in this section referred to as the “Fees Act”), would have been payable, by that person under section 6 of the Fees Act by reason of the grant or renewal of those licences, the Commonwealth is liable, subject to sub-section (2), to pay to that person an amount equal to the excess. 30
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(2) Any amount that the Commonwealth is liable to pay to a person under sub-section (1) may be retained by the Commonwealth and applied in whole or in part in or towards the payment of any fee or fees under the Fees Act that becomes or become payable by that person but the Minister may, in his discretion, at any time, authorize so much (if any) of that amount as has not been so applied to be repaid to the person. 40

(3) Any payments to a person under this section shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

PART III—AMENDMENT OF OVERSEAS TELECOMMUNICATIONS ACT 1946

5 Principal Act

7. The *Overseas Telecommunications Act* 1946² is in this Part referred to as the Principal Act.

Licences, permissions or approvals

8. Section 74 of the Principal Act is amended by omitting sub-section (2).

NOTES

1. No. 8, 1905, as amended. For previous amendments, see No. 33, 1915; No. 4, 1919; No. 10, 1936; No. 80, 1950; No. 93, 1966 (as amended by No. 3, 1967); No. 59, 1967; No. 122, 1973; No. 216, 1973 (as amended by No. 20, 1974); and No. 91, 1980.
2. No. 23, 1946, as amended. For previous amendments, see No. 69, 1952; No. 26, 1958; No. 85, 1963; No. 93, 1966; Nos. 31 and 139, 1968; No. 9, 1971; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; No. 36, 1978; No. 19, 1979; No. 177, 1980; and No. 115, 1981.

