

AUSTRALIAN BROADCASTING CORPORATION (TRANSITIONAL PROVISIONS  
AND CONSEQUENTIAL AMENDMENTS) ACT 1983 No. 7, 1983

Australian Broadcasting Corporation (Transitional Provisions and Consequential  
Amendments) Act 1983 No. 7 of 1983 - TABLE OF PROVISIONS

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Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 1.  
Short title.

An Act to enact certain transitional provisions and make certain amendments in consequence of the enactment of the Australian Broadcasting Corporation Act 1983

(Assented to 1 June 1983)

PART I-PRELIMINARY

Short title

1. This Act may be cited as the Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 2.

Commencement

2. (1) Sections 1 and 2, sub-section 15 (1) and section 24 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on the day fixed under sub-section 2 (2) of the Australian Broadcasting Corporation Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 3.

Interpretation

## PART II-TRANSITIONAL PROVISIONS

3. Expressions used in this Part have, unless the contrary intention appears, the same meanings as those expressions have in the Australian Broadcasting Corporation Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 4.

Extension to external Territories

4. This Part extends to all the external Territories.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 5.

Application

5. This Part has effect notwithstanding anything contained in the Australian Broadcasting Corporation Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 6.

Members of Commission cease to hold office

6. On the commencing day, the Chairman, the Vice-Chairman and the other Commissioners of the Australian Broadcasting Commission who held office immediately before that day cease to hold office, but the corporate identity of the body corporate referred to in sub-section 5 (1) of the Australian Broadcasting Corporation Act 1983 is preserved.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 7.  
References to Commission in instruments, &c.

7. A reference to the Australian Broadcasting Commission in any law of a Territory, or in any contract, award or other instrument to which the Australian Broadcasting Commission was a party, shall, except in relation to matters that occurred before the commencing day, be construed as a reference to the Australian Broadcasting Corporation.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 8.  
Property, powers, liabilities, &c.

8. The alteration of the name and constitution of the Australian Broadcasting Commission resulting from section 5 of the Australian Broadcasting Corporation Act 1983 does not affect any property, powers, rights, liabilities or obligations of the body corporate continued in existence by that section.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 9.  
Saving of proceedings

9. (1) The alteration of the name and constitution of the Australian Broadcasting Commission resulting from section 5 of the Australian Broadcasting Corporation Act 1983 does not render defective any legal or other proceedings instituted or to be instituted by or against the body corporate continued in existence by that section, and any legal or other proceedings

that might have been continued or commenced by or against the body corporate by the name of the Australian Broadcasting Commission may be continued or commenced by or against the body corporate by the name of the Australian Broadcasting Corporation.

(2) The alteration of the name and constitution of the Australian Broadcasting Commission resulting from section 5 of the Australian Broadcasting Corporation Act 1983 does not render defective any investigation being or proposed to be undertaken by the Commonwealth Ombudsman under the Ombudsman Act 1976 into any action taken before the commencing day by the body corporate continued in existence by that section, and any investigation that might have been continued or commenced into any action taken by the body corporate by the name of the Australian Broadcasting Commission may be continued or commenced as if the action had been taken by the body corporate by the name of the Australian Broadcasting Corporation.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 10.

Judicial notice

10. All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Australian Broadcasting Commission appearing on a document that was executed before the commencing day and shall presume that the document was duly sealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 11.

Officers and employees

11. (1) Any person who was an officer (including an officer on probation) or a temporary employee of the Australian Broadcasting Commission immediately before the commencing day by virtue of his having been appointed or engaged under sub-section 43 (2) of the Broadcasting and Television Act 1942 continues, subject to the Australian Broadcasting Corporation Act 1983, as an officer or temporary employee, as the case may be, of the Corporation as if he had been appointed or engaged under section 33 of that last-mentioned Act.

(2) Sub-section (1) does not apply in relation to a person whose employment as an officer or temporary employee of the Australian Broadcasting Commission would, if the Australian Broadcasting Corporation Act 1983 and this Act had

not been enacted, have terminated immediately before the commencing day.

(3) The Managing Director shall, upon the commencing day, be deemed to have determined under sub-section 33 (10) of the Australian Broadcasting Corporation Act 1983 terms and conditions of employment of officers and temporary employees of the Corporation to whom sub-section (1) of this section applies that are the same as the terms and conditions of employment of those officers and temporary employees immediately before the commencing day.

(4) If a direction was given under section 54 of the Broadcasting and Television Act 1942 in relation to an officer of the Corporation to whom sub-section (1) of this section applies, who had been appointed to the service of the Australian Broadcasting Commission on probation and whose appointment had not been confirmed before the commencing day, that direction has effect for the purposes of section 33 of the Australian Broadcasting Corporation Act 1983 as if it were a direction given by the Managing Director.

(5) On the commencing day the general manager of the Australian Broadcasting Commission ceases to hold office but, if he was, immediately before his appointment as general manager, an officer of the Australian Broadcasting Commission-

(a) sub-section (1) applies to him as if he were such an officer immediately before the commencing day; and

(b) if he has not been appointed to be the Managing Director of the Corporation, he continues, subject to the Australian Broadcasting Corporation Act 1983, as an unattached officer of the Corporation with such designation and salary as are determined under sub-section 33 (3) of that Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 12.

Continuation of positions in Australian Broadcasting Corporation Service

12. All positions that existed in the service of the Australian Broadcasting Commission immediately before the commencing day by virtue of section 45 of the Broadcasting and Television Act 1942 continue in existence, subject to Part V of the Australian Broadcasting Corporation Act 1983, as positions in the Australian Broadcasting Corporation Service as if they had been created by the Board pursuant to section 34 of the Australian Broadcasting Corporation Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential

Amendments) Act 1983 No. 7 of 1983 - SECT. 13.

Pending promotions

13. Where an officer of the Australian Broadcasting Commission was provisionally promoted to a position in the service of the Commission but the promotion had not been confirmed before the commencing day, then, notwithstanding the repeal of sections 49 and 50 of the Broadcasting and Television Act 1942 effected by this Act-

(a) section 49 of that Act and any regulations in force under that Act for the purposes of that section continue to apply in relation to the promotion but-

(i) references in that section to the vacant position shall be construed as references to that position as continued in existence in the Australian Broadcasting Corporation Service;

(ii) any action to be taken under sub-section (5) or (6) of that section shall be taken by the Managing Director; and

(iii) sub-sections (7) and (8) of that section have effect as if references in those sub-sections to the Commission were references to the Managing Director; and

(b) for the purposes of any appeal against the promotion, section 50 of that Act continues to apply but, for the purposes of that section as so continuing to apply, the reference in sub-paragraph (2) (b) (i) of that section to the Commission shall be construed as a reference to the Managing Director and references in that section to the vacant position shall be construed as references to that position as continued in existence in the Australian Broadcasting Corporation Service.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 14.

Disciplinary action for misconduct

14. (1) Section 64 of the Australian Broadcasting Corporation Act 1983 applies in relation to misconduct that occurred before the commencing day



but, for that purpose, "misconduct" has the same meaning as it had for the purposes of section 56 of the Broadcasting and Television Act 1942.

(2) An officer who was suspended from duty immediately before the commencing day continues to be suspended from duty as if he had been so suspended under section 64 of the Australian Broadcasting Corporation Act 1983.

(3) Where an officer of the Australian Broadcasting Commission was dismissed, retired, transferred, reduced in position or salary, or fined an amount exceeding \$4, under section 55 or 56 of the Broadcasting and Television Act 1942, then, notwithstanding the repeal of sections 57 and 58 of that Act effected by this Act-

(a) section 57 of that Act and any regulations in force under that Act for the purposes of that section continue to apply in relation to the dismissal, retirement, transfer, reduction in position or salary or fine but any action to be taken under sub-section (4) of that section shall be taken by the Managing Director; and

(b) for the purposes of any appeal against the dismissal, retirement, transfer, reduction in position or salary or fine, section 58 of that Act and any regulations in force under that Act for the purposes of that section continue to apply but, for the purposes of that section and those regulations as so continuing to apply-

(i) the reference in paragraph (2) (b) of that section to the Commission shall be construed as a reference to the Managing Director; and

(ii) if there is no officer elected for the purposes of paragraph (2) (c), or no deputy elected for the purposes of sub-section (5), of that section, an officer may be elected for the purposes of that paragraph or a deputy may be elected for the purposes of that sub-section, as the case may be, by the officers of the Corporation.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 15.

Application of moneys

15. (1) The Australian Broadcasting Commission is liable to pay any remuneration and allowances that become payable under Part III of the Australian Broadcasting Corporation Act 1983 before the commencing day and,

notwithstanding section 70 of the Broadcasting and Television Act 1942, the moneys of the Commission may be applied in payment of any such remuneration or allowances.

(2) Notwithstanding section 68 of the Australian Broadcasting Corporation Act 1983, the moneys of the Corporation may be applied-

(a) in payment or discharge of any expenses, charges, obligations or liabilities that were incurred or undertaken before the commencing day by the Australian Broadcasting Commission in or in connection with the performance of its functions or the exercise of its powers and were not paid or discharged before that day; and

(b) in payment of any remuneration or allowances the liability for which arose under Part III of the Broadcasting and Television Act 1942 or under sub-section (1) of this section but which had not been paid before the commencing day.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 16.

Estimates

16. Unless the Minister otherwise directs, the first period for which estimates are to be prepared under sub-section 69 (1) of the Australian Broadcasting Corporation Act 1983 shall be the period commencing on the commencing day and ending on the next following 30 June.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 17.

Bank accounts

17. The bank accounts maintained by the Australian Broadcasting Commission immediately before the commencing day continue in existence as bank accounts of the Corporation as if they had been opened by the Corporation under section 63J of the Audit Act 1901 as that section applies to the Corporation by virtue of section 72 of the Australian Broadcasting Corporation Act 1983.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 18.

Audit

18. Section 63L of the Audit Act 1901 as that section applies to the Corporation by virtue of section 72 of the Australian Broadcasting Corporation Act 1983 extends to accounts and records of financial transactions of the Australian Broadcasting Commission that took place before the commencing day as if they were accounts and records of financial transactions of the Corporation.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 19.

Annual report and financial statements

19. (1) If the Australian Broadcasting Commission had not, before the commencing day, furnished a report and financial statement in relation to the operations of the Commission during the year that ended on 30 June last preceding that day, the Board shall cause to be prepared a financial statement and report on the operations of the Commission during that year in accordance with section 78 of the Broadcasting and Television Act 1942 and, notwithstanding the repeal of that section effected by this Act, that section continues in force for the purpose of the preparation of that financial statement and report as if a reference in that section to the Commission were a reference to the Corporation.

(2) If the commencing day is a day other than 1 July, the report and financial statement in relation to the operations of the Corporation during the year ending on 30 June next following the commencing day that is required to be prepared by section 63M of the Audit Act 1901 as that section applies to the Corporation by virtue of section 72 of the Australian Broadcasting Corporation Act 1983 shall include a report and financial statement in relation to the operations of the Australian Broadcasting Commission during the part of that year that preceded the commencing day.

(3) A report by the Corporation that relates to operations of the Australian Broadcasting Commission shall include any matters that would have been required to be included in a report relating to those operations prepared under section 78 of the Broadcasting and Television Act 1942 if the Australian Broadcasting Corporation Act 1983 and this Act had not been enacted.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 20.  
Principal Act

PART III-AMENDMENTS OF THE BROADCASTING AND TELEVISION  
ACT 1942

20. The Broadcasting and Television Act 1942\*1\* is in this Part referred to as the Principal Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 21.  
Interpretation

21. Section 4 of the Principal Act is amended-

(a) by omitting from sub-section (1) the definition of "Commissioner";

(b) by omitting "Commission" from the definitions of "national broadcasting station", "national broadcasting translator station licence", "national television station", and "national television translator station licence" in sub-section (1) and substituting "Corporation";

(c) by inserting after the definition of "television translator station licence" in sub-section (1) the following definition:

" 'the Board' means the Australian Broadcasting Corporation Board;"

(d) by omitting the definition of "the Commission" in sub-section (1) and substituting the following definitions:

" 'the Commission' means the Australian Broadcasting Commission that was constituted under Part III before the enactment of the Australian Broadcasting Corporation Act 1983;

'the Corporation' means the Australian Broadcasting Corporation constituted under the Australian Broadcasting Corporation Act 1983;" and

(e) by omitting from sub-section (2) "Commission" and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 22.

Holding of inquiries

22. Section 18 of the Principal Act is amended by omitting from paragraph (2A) (a) "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 23.

Annual report of Tribunal

23. Section 28 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

"(1A) If during the year to which a report of the Tribunal relates the Corporation has submitted to the Tribunal, for classification by the Tribunal, television programs for children as provided by section 30 of the Australian Broadcasting Corporation Act 1983, the Tribunal shall state in its report under this section on its operations during that year that the Corporation has submitted such programs and shall set out in that report such particulars of the programs so submitted as the Tribunal thinks fit."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 24.

Membership of Commission

24. Section 31 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(5) The performance of the functions or the exercise of the powers of the Commission is not affected by reason that-

(a) in respect of a State, there is no Commissioner ordinarily resident in

that State;

(b) the number of Commissioners falls below 9; or

(c) the number of women who are Commissioners falls below 2, for not longer than 6 months."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 25.  
Repeal of Divisions 1 and 2 of Part III

25. Divisions 1 and 2 of Part III of the Principal Act are repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 26.  
Functions of Commission

26. Section 59 of the Principal Act is repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 27.  
Publication of journals, &c., and making, &c., of sound recordings, &c.

27. Section 60 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(5) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 28.  
Power to purchase and dispose of assets

28. Section 61 of the Principal Act is repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 29.  
Studios to be provided by Commission

29. Section 63 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(3) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 30.  
Authorized transmissions

30. Section 64 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 31.  
Repeal of sections 65 to 71B

31. Sections 65 to 71B (inclusive) of the Principal Act are repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 32.  
Taxation

32. Section 72 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 33.  
Provision and operation of studios, transmitting stations, &c.

33. Section 73 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(5) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 34.  
Lines for conveyance of electric current to stations

34. Section 74 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(5) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential



Amendments) Act 1983 No. 7 of 1983 - SECT. 35.  
National broadcasting translator station licences

35. Section 75 of the Principal Act is amended by omitting "Commission" from sub-section (1) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 36.  
National television translator station licences

36. Section 76 of the Principal Act is amended by omitting "Commission" from sub-section (1) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 37.  
Minister may require Commission to refrain from broadcasting or televising any matter

37. Section 77 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) Notwithstanding that, by reason of section 5 of the Australian Broadcasting Corporation Act 1983, there is no longer a body corporate under the name Australian Broadcasting Commission, this section continues to have effect for the purpose of its application, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 38.  
Report and financial statement

38. Section 78 of the Principal Act is repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 39.  
Action under section 64 or 77 to be reported to Parliament

39. Section 78A of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) References in sub-section (1) to sections 64 and 77 shall be construed as references to those sections as they apply, by virtue of section 79ZJ, in relation to the Special Broadcasting Service."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 40.  
Commission to assume certain obligations and liabilities

40. Section 79 of the Principal Act is repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 41.  
Joint Consultative Committee

41. Section 79A of the Principal Act is repealed.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 42.

42. Section 79ZJ of the Principal Act is repealed and the following section is substituted:

Application of Act

"79ZJ. (1) Sections 60, 63, 64, 72, 73, 74, 77 and 78A apply, with such exceptions and subject to such modifications and adaptations as are prescribed, in relation to the Service, to programs broadcast or televised under Part IIIA and to stations used by the Service as they applied

immediately before the commencement of the Australian Broadcasting Corporation

(Transitional Provisions and Consequential Amendments) Act 1983 in relation to the Commission, to programs broadcast or televised by the Commission and to stations used by the Commission.

"(2) Sections 112, 113, 113A, 115, 116 (other than sub-section (1)), 117, 117A, 118, 124A and 131 apply, with such exceptions and subject to such modifications and adaptations as are prescribed, in relation to the Service, to programs broadcast or televised under Part IIIA and to stations used by the Service as they apply in relation to the Corporation, to programs broadcast or televised by the Corporation and to stations used by the Corporation.

"(3) In sub-sections (1) and (2), 'station' means a broadcasting station, television station, broadcasting translator station, television translator station or television repeater station."

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 43.  
Particulars of programs to be made available

43. Section 105 of the Principal Act is amended by omitting "Commission" and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 44.  
Programs of supplementary stations

44. Section 105R of the Principal Act is amended by omitting "Commission" from paragraph (3) (b) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 45.  
Remuneration

45. Section 111E of the Principal Act is amended-

(a) by adding "and" at the end of paragraph (1) (a); and

(b) by omitting paragraph (1) (b).

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 46.

Transmission of certain messages

46. Section 112 of the Principal Act is amended by omitting "Commission" and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 47.

Corporation to make certain programs available to commercial television stations

47. Section 113 of the Principal Act is amended-

(a) by omitting "Commission" first occurring in sub-section (1), once occurring in sub-section (2) and second and third occurring in sub-section (3) and substituting "Managing Director of the Corporation"; and

(b) by omitting "Commission" second occurring in sub-section (1) and first occurring in sub-section (3) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 48.

Corporation may make programs available to certain licensees

48. Section 113A of the Principal Act is amended-

(a) by omitting "Commission" (first, second and fourth occurring) and substituting "Managing Director of the Corporation"; and

(b) by omitting "Commission" (third occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 49.

## Encouragement of Australian artists

49. Section 114 of the Principal Act is amended by omitting "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 50.

Televising of sporting events and entertainments

50. Section 115 of the Principal Act is amended by omitting "Commission" and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 51.

Broadcasting or televising of political matter or controversial matter

51. Section 116 of the Principal Act is amended-

(a) by omitting "Commission" first occurring in sub-section (1) and substituting "Australian Broadcasting Corporation Board";

(b) by omitting "Commission" second occurring in sub-section (1), wherever occurring in sub-sections (2) and (4) and last occurring in sub-section (4A) and substituting "Corporation"; and

(c) by omitting "Commission" first occurring in sub-section (4A) and substituting "Managing Director of the Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 52.

Names of speakers to be announced

52. Section 117 of the Principal Act is amended by omitting "Commission" from sub-sections (1) and (5) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 53.  
Records of political matter, &c.

53. Section 117A of the Principal Act is amended-

(a) by omitting "Commission" wherever occurring in sub-sections (1) and (2), first occurring in sub-section (3), second occurring in sub-section (4) and once occurring in sub-section (6) and substituting "Corporation"; and

(b) by omitting "Commission" second and third occurring in sub-section (3) and first occurring in sub-section (4) and substituting "Managing Director of the Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 54.  
Broadcasting or televising of objectionable items

54. Section 118 of the Principal Act is amended by omitting "Commission" from sub-section (1) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 55.  
Broadcasting programs of other stations prohibited

55. Section 121 of the Principal Act is amended by omitting "Commission" from paragraph (1) (a) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 56.  
Offence to interfere with the broadcasting or televising of programs

56. Section 124A of the Principal Act is amended by omitting "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 57.

Control of broadcasting and television in case of emergency

57. Section 131 of the Principal Act is amended by omitting "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 58.  
Principal Act

#### PART IV-AMENDMENTS OF THE COPYRIGHT ACT 1968

58. The Copyright Act 1968\*2\* is in this Part referred to as the Principal Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 59.  
Interpretation

59. Section 10 of the Principal Act is amended by omitting from sub-section (1) the definition of "the Australian Broadcasting Commission" and substituting the following definitions:

" 'the Australian Broadcasting Commission' means the Australian Broadcasting Commission that was established under the Broadcasting and Television Act 1942;

'the Australian Broadcasting Corporation' means the Australian Broadcasting Corporation established under the Australian Broadcasting Corporation Act 1983;"

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 60.  
Television broadcasts and sound broadcasts in which copyright subsists

60. (1) Section 91 of the Principal Act is amended-

(a) by omitting sub-paragraph (a) (i) and substituting the following sub-paragraph:

"(i) the Australian Broadcasting Corporation;"; and

(b) by omitting sub-paragraph (b) (i) and substituting the following sub-paragraph:

"(i) the Australian Broadcasting Corporation;".

(2) The amendments made by sub-section (1) do not affect the continued subsistence of any copyright that, immediately before the commencement of this section, subsisted in a television broadcast or sound broadcast that had been made from a place in Australia by the Australian Broadcasting Commission before the commencement of this section.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 61.

Ownership of copyright in television broadcasts and sound broadcasts

61. Section 99 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

"(a) the Australian Broadcasting Corporation is the owner of any copyright subsisting in a television broadcast or sound broadcast made by it;".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 62.

Applications to Tribunal for determination of amounts payable for broadcasting published sound recordings

62. Section 152 of the Principal Act is amended-

(a) by omitting paragraph (a) of the definition of "broadcaster" in sub-section (1) and substituting the following paragraph:

"(a) the Australian Broadcasting Corporation;";

(b) by inserting after sub-section (1) the following sub-section:



"(1A) For the purposes of the application of this section in relation to a period before the commencement of this sub-section, this section has effect as if any act or thing done during that period by the Australian Broadcasting Commission had been done by the Australian Broadcasting Corporation and any earnings of the Australian Broadcasting Commission during that period were earnings of the Australian Broadcasting Corporation."; and

(c) by omitting from sub-section (11) "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 63.

Application of Act in relation to countries other than Australia

63. Section 184 of the Principal Act is amended by omitting from paragraph (1) (f) "Australian Broadcasting Commission" and substituting "Australian Broadcasting Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 64.

Reception of broadcasts

64. Section 199 of the Principal Act is amended by omitting from sub-section (7) "Australian Broadcasting Commission" (wherever occurring) and substituting "Australian Broadcasting Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 65.

Principal Act

PART V-AMENDMENT OF THE FREEDOM OF INFORMATION ACT  
1982

65. The Freedom of Information Act 1982\*3\* is in this Part referred to as the Principal Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential

Amendments) Act 1983 No. 7 of 1983 - SECT. 66.  
Schedule 2

66. Schedule 2 to the Principal Act is amended by omitting "Australian Broadcasting Commission" and substituting "Australian Broadcasting Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 67.  
Principal Act

PART VI-AMENDMENTS OF THE PARLIAMENTARY PROCEEDINGS  
BROADCASTING ACT  
1946

67. The Parliamentary Proceedings Broadcasting Act 1946\*4\* is in this Part referred to as the Principal Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 68.  
Broadcasting of parliamentary proceedings

68. Section 4 of the Principal Act is amended by omitting "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 69.  
Recording of parliamentary proceedings

69. Section 13A of the Principal Act is amended-

(a) by omitting sub-section (1) and substituting the following sub-section:

"(1) In this section, 'Corporation' means the Australian Broadcasting Corporation."; and

(b) by omitting from sub-sections (2), (2A), (3) and (4) "Commission" (wherever occurring) and substituting "Corporation".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 70.  
Principal Act

## PART VII-AMENDMENTS OF THE TELECOMMUNICATIONS ACT 1975

70. The Telecommunications Act 1975\*5\* is in this Part referred to as the Principal Act.

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - SECT. 71.  
Persons other than the Commission not to construct, maintain or operate telecommunications installations

71. Section 94 of the Principal Act is amended-

(a) by inserting after paragraph (2) (d) the following paragraph:

"(da) by the Australian Broadcasting Corporation in accordance with the

Australian Broadcasting Corporation Act 1983 or by a person doing any act pursuant to section 77 of that Act;" and

(b) by omitting from paragraph (2) (e) "the Australian Broadcasting Commission or".

Australian Broadcasting Corporation (Transitional Provisions and Consequential Amendments) Act 1983 No. 7 of 1983 - NOTES

### NOTES

1. No. 33, 1942, as amended. For previous amendments, see No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954; Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82,

1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 55, 1974; No. 56, 1975; Nos. 89 and 187, 1976; No. 160, 1977; Nos. 52 and 210, 1978; Nos. 143 and 177, 1980; Nos. 61, 113 and 153, 1981; and No. 154, 1982.

2. No. 63, 1968, as amended. For previous amendments, see No. 216, 1973; No. 91, 1976; No. 160, 1977; No. 19, 1979; No. 154, 1980; Nos. 42, 61 and 113, 1981; and Nos. 26 and 154, 1982.

3. No. 3, 1982.

4. No. 20, 1946, as amended. For previous amendments, see No. 35, 1960; Nos. 94 and 216, 1973; No. 32, 1974; and No. 39, 1981.

5. No. 55, 1975, as amended. For previous amendments, see No. 94, 1976; No. 160, 1977; Nos. 36 and 170, 1978; No. 115, 1979; No. 177, 1980; and No. 61, 1981.