



Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005

No. 45, 2005 as amended

Compilation start date: 17 October 2014

Includes amendments up to: Act No. 109, 2014

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About this compilation

This compilation

This is a compilation of the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005* as in force on 17 October 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 29 October 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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An Act to amend laws, and to deal with transitional matters, in connection with the *Australian Communications and Media Authority Act 2005*, and for related purposes

1 Short title

This Act may be cited as the *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*.

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		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	1 April 2005
10. Schedule 4	At the same time as section 6 of the <i>Australian Communications and Media Authority Act 2005</i> commences.	1 July 2005

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (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)

- (1) Each Act, and each regulation, 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.
- (2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.
- (3) To avoid doubt, regulations amended under subsection (1) are taken to still be regulations.

Schedule 4—Transitional provisions

Part 1—Preliminary

1 Definitions

- (1) In this Schedule, unless the contrary intention appears:

ABA means the Australian Broadcasting Authority that was established by the *Broadcasting Services Act 1992*.

ACA means the body corporate that was continued in existence by the *Australian Communications Authority Act 1997*.

ACMA means the Australian Communications and Media Authority that is established by the ACMA Act.

ACMA Act means the *Australian Communications and Media Authority Act 2005*.

Imposition Act means any of the following Acts:

- (a) the *Datacasting Charge (Imposition) Act 1998*;
- (b) the *Radiocommunications (Receiver Licence Tax) Act 1983*;
- (c) the *Radiocommunications (Spectrum Licence Tax) Act 1997*;
- (d) the *Radiocommunications (Transmitter Licence Tax) Act 1983*;
- (e) the *Radio Licence Fees Act 1964*;
- (f) the *Telecommunications (Carrier Licence Charges) Act 1997*;
- (g) the *Telecommunications (Numbering Charges) Act 1997*;
- (h) the *Television Licence Fees Act 1964*.

liability means any liability, duty or obligation, whether actual, contingent or prospective, but does not include a liability, duty or obligation imposed by an Act or by regulations or other subordinate legislation made under an Act.

transition time means the commencement of section 6 of the ACMA Act.

- (2) Subject to subitem (1), an expression used in this Schedule that is also used in the ACMA Act has the same meaning in this Schedule as it has in that Act.

Part 3—References to, and things done by or in relation to, ABA or ACA

8 References in instruments to ABA or ACA

- (1) This item applies to an instrument if it:
 - (a) was in force immediately before the transition time; and
 - (b) is an instrument covered by one or more of the following subparagraphs:
 - (i) an instrument that was made by the ABA or ACA; or
 - (ii) an instrument to which the ABA or ACA was a party; or
 - (iii) an instrument that was given to, or in favour of, the ABA or ACA; or
 - (iv) an instrument under which any right or liability accrues or may accrue to the ABA or ACA; or
 - (v) any other instrument in which a reference is made to the ABA or ACA.
- (2) Subject to subitem (3), an instrument to which this item applies continues to have effect from the transition time as if a reference in the instrument to the ABA or ACA (whether the reference is in that abbreviated form or is in the full name of that Authority) were a reference to the ACMA.
- (3) However, if:
 - (a) the reference is to the ABA or the ACA as an entity with a particular power or capacity (for example, as party to a contract or the holder of real or personal property); and
 - (b) the ACMA does not have that power or capacity (see sections 12 and 18 of the ACMA Act);the reference has effect from the transition time as if it were a reference to the Commonwealth.
- (4) The regulations may determine that one of subitems (2) and (3), rather than the other of those subitems, applies in relation to a particular reference or class of references.
- (5) For the purposes of this item, an *instrument*:

- (a) includes, but is not limited to, a regulation, declaration, determination, direction, licence, application or standard; but
- (b) does not include an Act, or an instrument made under an Imposition Act.

10 Things done by, or in relation to, ABA or ACA etc.

- (1) This item applies to a thing done by, or in relation to, the ABA or the ACA under:
 - (a) a provision (the *authorising provision*) of an Act, other than:
 - (ii) a provision of an Imposition Act; or
 - (ii) a provision that is repealed by this Act; or
 - (b) a provision (the *authorising provision*) of an instrument made under a provision of an Act, other than:
 - (ii) a provision of an Imposition Act; or
 - (ii) a provision that is repealed by this Act.
- (2) Subject to subitem (3), the thing done has effect from the transition time as if it had been done by, or in relation to, the ACMA under the authorising provision as in force from the transition time. However this is not taken to change the time at which the thing was actually done.
- (3) However if the thing done is a thing of a kind that, under the authorising provision as in force from the transition time, cannot be done by or in relation to the ACMA, the thing has effect from the transition time as if it had been done by or in relation to the Commonwealth.
- (4) The regulations may:
 - (a) provide that this item does not apply to a specified class or classes of things done; or
 - (b) determine that one of subitems (2) and (3), rather than the other of those subitems, applies in relation to a particular thing done, or class of things done; or
 - (c) clarify how a thing has effect as mentioned in subitem (2) or (3).

12 Continued effect of certain instruments made under the repealed provisions

- (1) An instrument:
-

Schedule 4 Transitional provisions

Part 3 References to, and things done by or in relation to, ABA or ACA

- (a) made or given under the *Australian Communications Authority Act 1997* and specified in the following table; and
(b) in force immediately before the transition time;

continues to have effect from the transition time as if it were made or given under the corresponding provision of the ACMA Act specified in the table.

Instruments made under *Australian Communications Authority Act 1997* that continue to have effect

Item	This instrument made or given under this provision of the <i>Australian Communications Authority Act 1997</i>...	continues to have effect as if it were made or given under this provision of the ACMA Act...
1	instruction under paragraph 8(1)(aa)	paragraph 11(1)(a)
2	instruction under paragraph 8(1)(ab)	paragraph 11(1)(b)
3	arrangement under paragraph 41(1)(a)	paragraph 55(1)(a)
4	arrangement under paragraph 41(1)(b)	paragraph 55(1)(b)
5	direction given under subsection 52(3)	subsection 59(5)
6	determination under subsection 53(1)	subsection 60(1)
7	determination under subsection 54(1)	subsection 64(1)

- (2) A determination in force under clause 61 of Schedule 4 to the *Broadcasting Services Act 1992* immediately before the transition time has effect from the transition time as if it were a determination under subsection 60(1) of the ACMA Act.

Note: Instruments made by the ABA or ACA under provisions of Acts that are amended (rather than repealed) by this Act will continue to have effect as a result of item 10.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Endnotes

Endnote 1—About the endnotes

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005	45, 2005	1 Apr 2005	See s 2(1)	
Statute Law Revision Act 2007	8, 2007	15 Mar 2007	Sch 2 (items 2–4): (a)	—
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 2 (items 175–181): 17 Oct 2014 (s 2(1) item 2)	—

(a) Subsection 2(1) (item 29) of the *Statute Law Revision Act 2007* provides as follows:

- (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

Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
29. Schedule 2, items 2, 3 and 4	Immediately after the commencement of section 2 of the <i>Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005</i> .	1 April 2005

10 *Australian Communications and Media Authority (Consequential and Transitional Provisions) Act 2005*

Endnote 4—Amendment history

Provision affected	How affected
s 2	am No 8, 2007
Sch 1	rep No 109, 2014
Sch 2	rep No 109, 2014
Sch 3	rep No 109, 2014
Sch 4	
Pt 1	
Item 1	am No 109, 2014
Pt 2	rep No 109, 2014
Item 2	rep No 109, 2014
Item 3	rep No 109, 2014
Item 4	rep No 109, 2014
Item 5	rep No 109, 2014
Item 6	rep No 109, 2014
Item 7	rep No 109, 2014
Pt 3	
Item 9	rep No 109, 2014
Item 11	rep No 109, 2014
Item 12	am No 109, 2014
Item 13	rep No 109, 2014
Item 14	rep No 109, 2014
Item 15	rep No 109, 2014
Item 16	rep No 109, 2014
Item 17	rep No 109, 2014
Item 18	rep No 109, 2014
Item 19	rep No 109, 2014
Item 20	rep No 109, 2014
Item 21	rep No 109, 2014

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]