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1999, No. 63

An Act to amend the Broadcasting Act 1989 by abolishing the public broadcasting fee from 1 July 2000
[24 May 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Broadcasting Amendment Act 1999, and is part of the Broadcasting Act 1989 (“the principal Act”).

(2) Except for Part 2, this Act comes into force on the date on which this Act receives the Royal assent.

(3) Part 2 comes into force on 1 July 2000.

PART 1

TRANSITIONAL PROVISIONS

2. Interpretation—In this Part, unless the context otherwise requires, “Fees Regulations” means the Broadcasting (Public Broadcasting Fees) Regulations 1998.

3. Public broadcasting fees—Section 47 (1) of the principal Act is amended by inserting, after the words “Commission may”, the expression “, until 30 June 2000,”.

4. Proportion of fee payable for person not eligible to pay reduced fee—(1) A public broadcasting fee, payable after 1 July 1999, is calculated in accordance with this section, instead of Schedule 1 of the Fees Regulations, for a person who—

- (a) Is liable to pay a fee in accordance with the Fees Regulations; and
- (b) Is not eligible to pay a reduced fee in accordance with regulation 6 (3) of the Fees Regulations; and
- (c) Does not pay a fee by electronic transfer in accordance with regulation 7 of the Fees Regulations.

(2) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 year must pay a fee calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$110}{1}$$

where—

y is the number of whole months, from the date the fee becomes payable to 1 July 2000.

(3) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 3 months must pay a fee calculated as follows:

- (a) A payment of \$30 for each 3-month period; and
- (b) If the period of payment from the date a 3-monthly payment becomes payable to 1 July 2000 is less than 3 months, a final payment calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$110}{1}$$

where—

y is the number of whole months, from a date after 1 April 2000 when a 3-monthly payment becomes payable to 1 July 2000.

(4) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 month or any multiple of a 1-month period up to 1 July 2000 must pay a fee of \$10.00 for each whole month calculated from the date the fee becomes payable to 1 July 2000.

5. Proportion of fee payable for person eligible to pay reduced fee—(1) A public broadcasting fee, payable after 1 July 1999, is calculated in accordance with this section, instead of Schedule 1 of the Fees Regulations, for a person who—

- (a) Is liable to pay a fee in accordance with the Fees Regulations; and
- (b) Is eligible to pay a reduced fee in accordance with regulation 6 (3) of the Fees Regulations; and
- (c) Does not pay a fee by electronic transfer in accordance with regulation 7 of the Fees Regulations.

(2) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 year must pay a fee calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$73}{1}$$

where—

y is the number of whole months, from the date the fee becomes payable to 1 July 2000.

(3) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 3 months must pay a fee calculated as follows:

- (a) A payment of \$20 for each 3-month period; and
- (b) If the period of payment from the date a 3-monthly payment becomes payable to 1 July 2000 is less than 3 months, a final payment calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$73}{1}$$

where—

y is the number of whole months, from a date after 1 April 2000, when a 3-monthly payment becomes payable, to 1 July 2000.

(4) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 month or any multiple of a 1-month period up to 1 July 2000 must pay a fee of \$6.66 for each whole month calculated from the date the fee becomes payable to 1 July 2000.

6. Payment by electronic transfer by person not eligible to pay reduced fee—(1) A public broadcasting fee, payable after 1 July 1999, is calculated in accordance with this

section, instead of Schedule 1 of the Fees Regulations, for a person who—

- (a) Is liable to pay a fee in accordance with the Fees Regulations; and
 - (b) Is not eligible to pay a reduced fee in accordance with regulation 6 (3) of the Fees Regulations; and
 - (c) Pays the fee by electronic transfer in accordance with regulation 7 of the Fees Regulations.
- (2) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 year must pay a fee calculated in accordance with the following formula:

$$\frac{Y}{12} \times \frac{\$108.90}{1}$$

where—

- y is the number of whole months, from the date the fee becomes payable to 1 July 2000.
- (3) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 3 months must pay a fee calculated as follows:
 - (a) A payment of \$29.70 for each 3-month period; and
 - (b) If the period of payment from the date a 3-monthly payment becomes payable to 1 July 2000 is less than 3 months, a final payment calculated in accordance with the following formula:

$$\frac{Y}{12} \times \frac{\$108.90}{1}$$

where—

- y is the number of whole months, from a date after 1 April 2000, when a 3-monthly payment becomes payable, to 1 July 2000.
- (4) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 month or any multiple of a 1-month period up to 1 July 2000 must pay a fee of \$9.90 for each whole month calculated from the date the fee becomes payable to 1 July 2000.

7. Payment by electronic transfer by person eligible to pay reduced fee—(1) A public broadcasting fee, payable after 1 July 1999, is calculated in accordance with this section, instead of Schedule 1 of the Fees Regulations, for a person who—

- (a) Is liable to pay a fee in accordance with the Fees Regulations; and

- (b) Is eligible to pay a reduced fee in accordance with regulation 6 (3) of the Fees Regulations; and
- (c) Pays the fee by electronic transfer in accordance with regulation 7 of the Fees Regulations.

(2) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 year must pay a fee calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$72.27}{1}$$

where—

y is the number of whole months, from the date the fee becomes payable to 1 July 2000.

(3) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 3 months must pay a fee calculated as follows:

- (a) A payment of \$19.80 for each 3-month period; and
- (b) If the period of payment from the date a 3-monthly payment becomes payable to 1 July 2000 is less than 3 months, a final payment calculated in accordance with the following formula:

$$\frac{y}{12} \times \frac{\$72.27}{1}$$

where—

y is the number of whole months, from a date after 1 April 2000 when a 3-monthly payment becomes payable to 1 July 2000.

(4) A person who has, in accordance with regulation 5 of the Fees Regulations, chosen to pay a fee in respect of a period of 1 month or any multiple of a 1-month period up to 1 July 2000 must pay a fee of \$6.60 for each whole month calculated from the date the fee becomes payable to 1 July 2000.

PART 2

REPEALS

8. Recovery of money—(1) Despite the repeal by this Act of section 47 of the principal Act, any public broadcasting fee payable in accordance with this Act or regulations made under the principal Act may be recovered from the person liable at the suit of the Commission in any court of competent jurisdiction.

(2) The Commission may from time to time enter into agreements or arrangements, on such terms and conditions as

it thinks fit, with any person to collect or assist in collecting public broadcasting fees.

9. Refund of money paid in excess or error—Any public broadcasting fee paid to the Commission in accordance with this Act or regulations made under the principal Act in error, or in excess of the amount required for the purpose for which it was paid, may be refunded, by the Commission, to that person.

10. Funds of Commission—Despite the repeal of section 48 (b) of the principal Act, the Commission's funds include any public broadcasting fee payable under this Act or regulations made under the principal Act and owing at 1 July 2000.

11. Repeals—The following provisions of the principal Act are repealed:

- (a) Section 47:
- (b) Paragraph (b) of section 48:
- (c) Section 49:
- (d) Section 50:
- (e) Paragraph (b) of section 53k:
- (f) Section 53L:
- (g) Section 53M:
- (h) Section 53N:
- (i) Section 82:
- (j) Section 91.

12. Revocation of Broadcasting (Public Broadcasting Fees) Regulations 1998—The Broadcasting (Public Broadcasting Fees) Regulations 1998 (S.R. 1998/221) are revoked.