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BROADCASTING AND TELEVISION AMENDMENT BILL 1977

Date Introduced: 13 October 1977
House: House of Representatives
Presented by: Hon. E.L. Robinson,
Minister for Post and Telecommunications

Short Digest of Bill

Main Purposes

To complete the establishment of, and define the functions of, the Australian Broadcasting Tribunal; to establish licensing procedures; to transfer broadcasting planning responsibility to the Minister; and to establish the Special Broadcasting Service.

Main Provisions

Clause 9 amends the Principal Act to provide that a member of the Tribunal who has a direct or indirect interest in a business which could conflict with his duties as a member shall dispose of that interest within 14 days of the date of becoming a member, and can have his office terminated if he does not do so or subsequently acquires such an interest (clause 4).

Section 16 of the Principal Act is repealed and the new section 16 defines the functions of the Australian Broadcasting Tribunal.

These include the existing functions of determining program standards, advertising conditions and the hours during which programs may be broadcast or televised. New functions include granting, renewing, suspending or revoking licences; authorizing transactions relating to the transfer of licences or the admission of other persons to participate in the benefits of a licence; approving changes relating to the ownership and control of licences; holding inquiries as provided by the Act or as directed by the Minister and publishing reports in relation thereto; and assembling information relating to broadcasting and television in Australia.

The Tribunal shall consult with the Broadcasting Council, if there is one, or with representatives of the stations and new section 19 provides that proceedings of the Tribunal and documents and evidence should be public unless the Tribunal is satisfied for any reason that they should be private.

New section 21 sets out the procedure for inquiries. The Tribunal may take evidence on oath or affirmation; require witnesses to attend and answer questions and produce documents unless they are incriminatory (new sub-section 21AB(2)); refuse to allow the appearance of a person with no interest in the proceedings (new section 22AA); and shall ensure that every person having an interest is given the opportunity to state

Broadcasting and Television Amendment Bill 1977 (Bills Digest 96, 1977)

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his case, examine relevant documents and make submissions with regard to those documents (new sub-section 25(3)).

Penalties are provided for failure to appear when summoned, refusal to take the oath or affirmation, refusal or failure to answer questions or produce documents when required and for contempt of the Tribunal (new sections 21AA and 21AB and new section 25AB).

The Tribunal shall provide the Minister and the public with a report of the inquiry and where the inquiry was held at the direction of the Minister the report shall be laid before both Houses of Parliament (new section 25B).

Special Broadcasting Service

Clause 18 inserts Part IIIA which establishes the Special Broadcasting Service to provide multilingual broadcasting services and, if authorized by the regulations, multilingual television services; and broadcasting and television services for such special purposes as are prescribed (new section 79D).

New section 79E sets out the powers of the Service in relation to the production, responsibility, presentation and transmission of programs.

New sections 79G and 79H provide that the Service is a body corporate and shall consist of a Chairman and not less than 2 nor more than 6 other members, appointed by the Governor-General for a period of not more than 5 years but eligible for reappointment.

New section 79Q provides for the appointment for a period not exceeding 7 years, with eligibility for reappointment, of an Executive Director who shall be the chief executive officer of the Service.

The Service is to be financed by moneys appropriated by Parliament; moneys received for the provision of services and facilities; the proceeds of the sale of property of the Service (including programs, rights or interests in programs); moneys received for program sponsorship approved by the Minister; any other moneys derived in performance of its functions; and moneys received as gifts or bequests. (See new sections 79Z and 79ZA).

Accounts are to be audited annually. The Service shall provide an annual report to the Minister to be tabled in each House of Parliament (new sections 79ZG and 79ZH).

New section 79ZD provides that funds cannot be expended except in accordance with estimates approved by the Minister.

Section 59 is amended to provide that the Australian Broadcasting Commission in fulfilling its functions shall have regard to the services provided by the Special Broadcasting Service.

Licences

New Part IIIB inserted by clause 18 provides for the granting or renewal of licences by the Tribunal. In the granting of licences provision is made for—

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1. the setting out by the Minister of specifications to which it is proposed the licence is to be subject and the calling for applications and submissions (new section 82)
2. the holding of a public inquiry by the Tribunal (new section 83)
3. the fixing by the Tribunal of conditions to which a licence is subject; conditions also include the specifications determined by the Minister (new section 84)
4. the varying or revocation of conditions under which a licence was granted (new section 85).

Procedures are also set out for the renewal of licences (new section 86).

New section 87 provides that licences granted other than by renewal shall be for not more than 5 years. Renewals shall be in force for not more than 3 nor less than 1 year.

New section 88 sets out the circumstances where a licence may be suspended (for not more than 7 days) or revoked by the Tribunal. Conditions governing the transfer of licences are set out in sections 89A and 89B. Section 119A provides for applications to the Administrative Appeals Tribunal for a review of some of the decisions made by the Tribunal or the Minister with regard to licensing.

Public Broadcasting

Section 111A of the Principal Act is repealed and a new section 111A substituted which provides that a public broadcasting or public television station can only be operated for the purpose specified in the licence for that station.

Planning Responsibilities

Section 111C of the Principal Act is amended to provide that the Minister shall be responsible for planning the development of broadcasting and television services in Australia; for determining technical standards; correcting interference; and conducting examinations and issuing certificates of competence to technicians.

Transitional Provisions

Clause 32 of the Bill makes transitional arrangements for licences, applications for renewals, and inquiries by the Tribunal which were in existence before the amendments to the Principal Act come into force.

Other Provisions

The Bill also makes detailed amendments to the Act relating to technical equipment. There are also many minor and consequential amendments.

21 October 1977

Education and Welfare Group
LEGISLATIVE RESEARCH SERVICE

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