Broadcasting Legislation Amendment Bill 1988

Date Introduced: 28 September 1988
House: House of Representatives
Presented by: Hon. Ralph Willis, M.P., Minister for Transport and Communications

Digest of Bill

Purpose
To introduce a system of limited licences and to alter the borrowing and staffing rules applying to the ABC.

Background
At present, all broadcasters must go through the same procedure to obtain a licence, including full examination by the Broadcasting Tribunal. While this may be appropriate for general public broadcasters, there are a number of situations where the time and cost involved make the proposed service unviable. For example, many resorts would like to be able to broadcast tourist information within the resort. It also has been suggested that foreign language broadcasts in such areas would be of great assistance to non-English speaking visitors.

Another aspect that would fall under the proposed scheme is broadcasting in remote areas. In September 1987, the Ministers for Land Transport and Infrastructure Support and Aboriginal Affairs announced that a satellite broadcasting service would be established to service remote Aboriginal communities. Under the Broadcasting for Remote Aboriginal Communities Scheme (BRACS), the communities will receive ABC radio and television signals via satellite. However, the local communities will be able to break into the transmission and insert local programs as the signals will be received at central locations and rebroadcast to the communities.

The changes to the ABC reflect the government's policy of allowing independent bodies to have greater freedom in the day to day running of the organisation.

Main Provisions
Part III of the Bill (clauses 13 to 50) will introduce the new licence scheme. The use of telegraph lines for retransmission will not be allowed unless the line is on private property; the transmission is made to broadcast a program or during a telephone call; or is authorised by a retransmission permit. For transmissions of commercial broadcasts, the transmission will also be allowed if it terminates within the station's service area (clause 16).
A public licence only may be granted to an Australian corporation that is not run for profit. Government corporation and political parties cannot be granted such licences. Remote licences only may be granted to public companies formed in Australia, while a limited licence may be granted to any Australian corporation (proposed section 81AA).

Proposed section 81B deals with the purpose of limited licences. Such a licence may be granted for information purposes, special events, remote Aboriginal communities, a special interest purpose or for a purpose specified in the regulations. Proposed section 81C will allow additional purposes to be added by regulation.

Applications for limited licences are dealt with in proposed section 82AB. On receipt of an application the Minister may dismiss the application, refer the matter to the Tribunal, defer consideration or call for applications from the area. The last two courses of action may not be used more than two months after receiving the application, though the Minister can call for applications from an area at any time.

The Tribunal is not to issue a limited licence to a person who, in the Tribunal’s opinion, is not a fit and proper person to hold a licence or if satisfied that the person will not be able to comply with any conditions imposed. In determining whether to grant a licence, the Tribunal is to have regard to a number of matters including any outline of the program provided by the applicant (proposed section 83E).

The Tribunal may determine if a limited licence should be renewed (proposed section 86G), while the Minister may, if less than half of the licence period has expired, recommend that a licence not be renewed due to technical or planning reasons (proposed section 86H).

Proposed section 88D will allow the Tribunal to suspend or revoke a licence if satisfied that the person is no longer fit to hold the licence, has broken a condition, breached the regulations, or that it is in the public interest to do so.

Limited licences may be transferred to another with the written consent of the Tribunal (proposed section 89CB).

It will be a condition of limited licences that they are to be used for the purpose for which they are issued and, while sponsorship announcements will be allowed, there are to be no paid advertisements (proposed section 119C).

A new Division, dealing with retransmission and temporary transmission permits, will be inserted into the Principal Act by clause 36. A person may apply for a permit to rebroadcast a program and to use telegraph lines to transmit the signal (proposed section 89DA). Licences may be granted for a maximum of five years, and each renewal can be for a maximum of three years (proposed section 89DB). Such permits may be varied, suspended or cancelled by the Minister and no compensation will be payable for a cancellation (proposed sections 89DC, 89DD, and 89DE).
Proposed section 89DF will allow the Minister to issue temporary transmission permits. The Minister may refer applications to Tribunal. Such permits are to be for a maximum of 14 days (proposed section 89DG) and, generally, there is to be no advertising (proposed section 89DH).

Section 100 of the Principal Act will be amended by clause 41 to extend the advertising ban to all tobacco products.

The *Australian Broadcasting Corporation Act* 1983 will be amended by Part II of the Bill. A new section 25B will be inserted into this Act by clause 6. The proposed section will allow the ABC to enter into financial futures or foreign currency hedging contracts.

Proposed section 29A will allow the ABC to provide its programs for rebroadcast by limited licence holders (clause 7).

Proposed section 32 will give the ABC power to determine the terms and conditions of employment of its employees, while proposed section 33 will require the ABC to achieve and maintain a high standard as an employer (clause 8).

Proposed section 70A will allow the Minister for Finance to lend money to the ABC, while proposed section 70B will allow the ABC to borrow from other bodies with the Treasurer's approval. In addition, the Treasurer may guarantee the ABC's borrowings (proposed section 70C). The Treasurer's powers under these proposed sections may be delegated to any officer in the Department of the Treasury (proposed section 70F).

For further information, if required, contact the Law and Government Group.

30 January 1989

Bills Digest Service

Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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