Broadcasting Amendment Bill
(No. 3) 1987

Date Introduced: 23 October 1987
House: Senate
Presented by: Senator the Hon. Gareth Evans, Minister for Transport and Communications

Digest of Bill

Purpose
To require the nature of a grant of public broadcasting licences to be identified; to introduce criteria for the protection of the public interest in the ownership of public broadcast licences and to insert special provisions relating to certain advertisments, political matter and sponsorship.

Background
Public broadcasting plays a minor role in radio broadcasting in Australia. While the number of public licences, approximately 66, does not compare that unfavourably with the number of commercial licences, approximately 140, other reasons exist for public broadcasting's minor role. Principal amongst these reasons are that public broadcasts are conducted with low power transmitters, thus restricting the potential audience, and that public stations aim to cater for particular markets rather than the general public.

The aim of public broadcasting has not greatly changed since its inception in 1974. The broadcasts aim to serve specific groups that are not catered for by the commercial stations. The main categories of public broadcasting are community (including the service of ethnic communities), religious, educational, music and sport and the stations may broadcast a mixture from these categories Public broadcasters aim to satisfy the interests of local communities and the content of the broadcasts usually reflects the composition of the local community.

Public broadcast stations are operated on a non-profit basis which reflects the role of the stations. As a result, such stations cannot be sold. For the same reason, public broadcasters are not allowed to broadcast advertisments, though the sponsorship of programs is allowed and such sponsorship may be acknowledged. This Bill will clarify the broadcasting of sponsorship acknowledgements.
Amendments to the *Broadcasting Act* 1942 (the Principal Act)

Clause 5 will amend section 5 of the Principal Act to allow the appointment of associate members of the Broadcasting Tribunal, for a maximum of two years, to assist in particular inquiries, or inquiries of a particular class.

Clauses 7 to 11 deal with matters connected with the appointment of associated members, including the disclosure of financial interest (clause 7) and the right of such members to vote in relation to inquiries in which they took part (clause 11).

The SBS is not to enter into contract for a value exceeding $1 million, or such higher amount as is prescribed, without Ministerial approval. This will replace the current limit of $100 000 (clause 14 which will substitute a new section 79ZF into the Principal Act).

Clause 17 will insert a new section 81A into the Principal Act which will deal with the purpose of public licences. Such licences will be granted for general community services or a special interest purpose. The Minister is to specify for which of these categories the licence was issued and, if the licence was for a special interest purpose, the nature of that purpose. In addition, the Broadcasting Tribunal may determine the reason for the issue of the licence.

The Broadcasting Tribunal is not to refuse to grant a public licence unless the person has failed to give the necessary undertakings; the Broadcasting Tribunal is of the opinion that the person is not fit or proper to hold the licence, lacks the financial, technical and management capabilities necessary to provide the service or that the person would be incapable of complying with the licence conditions; the service area overlaps with another; it is undesirable that the person have control of a public licence because they already own such a licence, are a political party or because the licence will be held for profit (clause 19 which will amend section 83 of the Principal Act).

Section 84 of the Principal Act will be amended to exempt public licences from the general licence conditions and impose new conditions. The conditions for public licences will be those determined by the Minister or the Broadcasting Tribunal (clause 20).

Clause 22 will amend section 86 of the Principal Act to allow the Broadcasting Tribunal to refuse to renew a public licence on similar grounds to those contained in clause 19.

Similarly, clause 24 will amend section 88 of the Principal Act to allow public licences to be suspended or revoked in the same circumstances as contained in clause 19).
Section 87 of the Principal Act will be amended to allow remote licences to be granted for seven years before renewal. The current period is five years (clause 23).

Public licences will not be transferable (clause 26 which will substitute a new section 89B into the Principal Act).

Public licences are not to broadcast advertisements relating to medicine unless the text has been approved by the Department of Community Services and Health, or the Minister on appeal (clause 31 which will amend section 100 of the Principal Act).

The licensee of a public station is to cause the required particulars to be broadcast in relation to political matter and is to keep a record of those particulars (eg. who authorised the broadcast) (clause 32 which will amend section 117 of the Principal Act).

Clause 33 will amend section 119AB of the Principal Act to make it clear that public licencees may broadcast community information, material to induce public support and material which promotes specific programs. In addition, the amendments will make it clear that sponsorship announcements may acknowledge support for particular programs but may not promote events or products other than events or products to promote the station.

Clause 34 will allow the Minister to convert the existing restricted licence held by Community Radio Melbourne Pty Ltd, which was granted before public licences were introduced, into a public licence without an inquiry by the Broadcasting Tribunal.

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

19 November 1987

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.

© Commonwealth of Australia 1987

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.