BROADCASTING AND TELEVISION LEGISLATION
AMENDMENT BILL 1985

Date Introduced: 8 May 1985
House: House of Representatives
Presented by: Hon. Michael Duffy, M.P., Minister for Communications

Short Digest of Bill

Purpose

To amend certain powers of the Australian Broadcasting Corporation, and repeal the specific powers of the Minister for Communications to prohibit the broadcasting of a matter.

Background

The Australian Broadcasting Corporation (ABC) is essentially a non-competitive statutory authority which operates in a highly competitive commercial environment. While it has some commercial operations such as merchandising and concert management, the ABC has not been able to develop these ventures with the resources available to it.

On 17 March 1985 the Minister for Communications, Mr Duffy, foreshadowed the current legislative amendments to the Australian Broadcasting Corporation Act 1983 (ABC Act), which would allow the ABC to establish subsidiaries and enter into joint ventures with other persons in the formation of partnerships or companies. By initiating such changes, the Government's of the view that the ABC's corporate structure would be modernised, and thus enable it to join with the private sector in furthering its activities in a modern business like manner. Moreover, the Corporation would be more effective in utilising its expertise and resources.

The Bill basically allows the ABC's commercial activities similar flexibility to that enjoyed by other authorities such as Telecom. The business enterprises created by the ABC will be required to be predominantly, financially self-supporting. Where possible, these commercial ventures would generate revenue for the ABC for the financing of the latter's operations.
On 18 April 1985 the Minister foreshadowed further legislative amendments to the ABC Act to formalise the position of a staff elected Director on the Board of the ABC. Other amendments relate to the appointment and the forfeiture of office of ABC staff which involve similar powers already enjoyed by the Public Service Board under section 42 of the Public Service Act 1922. Also, the Minister's power to prohibit radio and television broadcasters under both the ABC Act and the Broadcasting and Television Act 1942 are to be repealed, as such powers are considered by the Government to be incompatible with the ideals of a democratic society in peacetime.

Main Provisions.

A detailed examination of the provisions of the Bill is contained in the Explanatory Memorandum.

The Bill contains provisions which govern the nomination, election, and tenure of office of the Director who is to be elected by the staff of the ABC (clause 5).

The important amendment made by the Bill to the ABC Act is the insertion of a new section 25A. It is under this provision that the ABC may enter a joint venture for the purposes of forming a company, partnership or authorised business. An "authorised business" is defined as a business or activity which is related or incidental to the performance of any of the ABC's functions (clause 9).

The Bill also empowers the Managing Director of the ABC to notify any officer who has been absent from duty for 4 weeks without permission, that he may be deemed to have retired unless certain conditions are fulfilled by him within 2 weeks (clause 12).

The Bill amends section 78 of the ABC Act and repeals section 77 of the Broadcasting and Television Act 1942. It consequentially removes the Minister's power under these two Acts to restrain the ABC from broadcasting or televising any matter which, in the opinion of the Minister, would be against the national interest (clause 15).

For further information, if required, contact:

5 June 1985

Education and Welfare Group
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Reference