BROADCASTING AND TELEVISION AMENDMENT (TRIBUNAL'S POWERS) BILL 1985

(Private Senator's Bill)

Date Introduced: 23 May 1985
House: Senate
Presented by: Senator Vigor

Short Digest of Bill

Purpose

To reverse the effect of a recent High Court decision regarding children's television programs.

Background

Prior to the High Court decision in Herald-Sun TV Pty Limited and Others v Australian Broadcasting Tribunal, delivered on 21 May 1985, the Broadcasting Tribunal vetted children's television programs before they went to air. Under the regulations, licensees were prohibited from transmitting programs other than C class programs between 4 p.m. and 5 p.m., Monday to Friday. C class programs are specifically designed for children between 5 and 14 years of age. Under regulation CTS 3(2)(b), the licensees were required to provide representative samples to the Broadcasting Tribunal to be classified before being given a C class rating and transmitted in C time. Herald-Sun TV Pty Limited and 12 other broadcasters challenged regulation CTS 3(2)(b) and related provisions.

The High Court's unanimous decision upheld the plaintiffs' arguments. The Court held that the Tribunal's power to determine standards did not extend to vetting programs before they were transmitted. The Tribunal's power was held to extend only to the fixing of general standards and not to deciding case by case whether a program should be C rated.

Outline

The Bill will give the Broadcasting Tribunal power to require that programs be viewed before transmission.
Main Provisions

Clause 4 amends section 16 of the Broadcasting and Television Act 1942 to give the Tribunal power to prevent the transmission of programs, other than news, current affairs or advertisements, that have not been inspected and approved.

For further information, if required, contact the Education and Welfare Group.

5 September 1985

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE

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