BROADCASTING AND TELEVISION AMENDMENT BILL 1985

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

Short Digest of Bill

Purpose

1. To change the basis for licensing from the type of technology used to the service provided. As a result, instead of the licence allowing its holder to operate certain technology, it will detail what service is to be provided and to what area this service may be transmitted;

2. to introduce a new category of licence, namely the remote licence, to regulate the transmission of commercial radio and television to outback Australia through AUSSAT;

3. to amend the procedure of the Broadcasting Tribunal; and

4. to delete obsolete provisions from the Principal Act.

Background

The Broadcasting and Television Act 1942 (the Principal Act) has continually been amended to allow for new technologies. The reliance on technological descriptions to define who may transmit, and where, has led to the Principal Act becoming one of the most complex pieces of Commonwealth legislation. The introduction of satellite transmissions through AUSSAT will add to the problems in defining licensing criteria by the technology used.
Main Provisions

For a detailed explanation of the provisions of the Bill, refer to the explanatory memorandum.

The change to a service based definition for licences is largely implemented by clause 5. This clause alters the definition section of the Principal Act and will allow the Minister to determine 'service areas' for which licences are to be issued and the class or classes of licences to be issued for that area. A large number of amendments to the Principal Act are made in consequence of this change.

Remote licences are to be introduced to control the use of AUSSAT and retransmission of its signals in the outback. The licences are introduced by clause 5 which inserts a definition of remote television and radio licences. Again, many consequential amendments are made to incorporate remote licences into the general system of licence control. For example, clause 40 amends section 88 of the Principal Act to deal with the suspension or revocation of remote licences.

The rules for ownership and control of remote services will differ from those applying to other commercial licences due to the uncertain economics of remote licences. Clause 62 will insert a new section 92V into the Principal Act to allow the Broadcasting Tribunal to make orders in regard to the ownership and control of remote licences. However, this absolute discretion is restricted by other parts of the Bill. Clause 29 states that a remote licence may only be granted to Australian companies with public shares, while clause 32 requires the Tribunal to consider government policy statements and the desire to prevent the concentration of ownership or control of remote licences. The latter requirement is, however, subject to the aim of providing at least one commercial radio and television service in all parts of Australia.

The major changes to the procedures of the Broadcasting Tribunal will allow it to exercise its powers without a public inquiry where there are no substantive matters of public interest in dispute (clause 12). This is expected to provide for more efficient administration. As well, new 'area inquiries' are to be introduced to allow the Tribunal to inquire into the broadcasting services in a particular area (proposed section 18A, inserted by clause 14).
The government has rejected the majority of the Administrative Review Council's recommendations concerning appeals from the Tribunal. The Council had recommended that Tribunal decisions be subject to appeal in the Administrative Appeals Tribunal (AAT). Instead, only appeals against administrative decisions on beacon lights on transmission masts and the preservation of records of historic interest may be made to the AAT. These changes are effected by clause 85 which amends section 119A of the Principal Act.

A large number of clauses are concerned with the repeal of obsolete provisions and sexist language. For example, see clauses 67, 68 and 86.

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