Date Introduced: 23 April 1980
House: House of Representatives
Presented by: Hon. A.A. Staley, M.P., Minister for Post and Telecommunications

Purpose

To establish an Independent and Multicultural Broadcasting Corporation; to establish new categories of licences for radio and television translator stations; to make certain modifications to the powers and functions of the Australian Broadcasting Tribunal; to remove existing restrictions on the entitlement of the Australian Broadcasting Commission to carry out activities other than broadcasting; to enable public broadcasting stations to carry sponsorship; to enable prospective applicants for broadcast or television licences to make trial transmissions; to allow variations in the technical specifications of a station between the application for a licence and the commencement of transmission.

Background

The proposed establishment of the Independent and Multicultural Broadcasting Corporation results from the recommendations of the second report of the Ethnic Television Review Panel in December 1979. Other provisions in the bill reflect the following concerns:

(i) uncertainty as to the entitlement of the Australian Broadcasting Tribunal to determine rules of conduct for its proceedings;

(ii) the present lack of provision for associate members of the Tribunal to vote on the findings and recommendations of the inquiries to which they are appointed;

(iii) the desire of isolated rural communities for access to the national broadcasting and television services;

(iv) the absence of regular procedures to allow new broadcasting stations to make test transmissions before the issue of a licence;
(v) the experience of several public broadcasting stations which have been obliged to change the specification of their transmitting equipment from that described in their licence applications in order to cover the areas which their licences require them to serve;

(vi) a change in government policy on the regulatory role of the Australian Broadcasting Council;

(vii) the restrictions placed on the ability of the Australian Broadcasting Commission to stage profit-making public entertainments because of its present obligation to broadcast or televise all such functions;

(viii) a decision to permit public broadcasting stations to supplement their funding by seeking commercial sponsorship of individual programs.

Main Provisions

The Australian Broadcasting Tribunal:

Clause 4 amends s.11 of the Broadcasting and Television Act, 1942 (known hereafter as the Act) to provide that associate members appointed to the Tribunal for the purposes of a specific inquiry have all the powers and functions of a member, including voting rights, for the duration of that inquiry.

Clause 6 inserts a new sub-s.18(2) into the Act to widen the range of matters on which the Minister may direct the Tribunal to report. A new sub-s.18(2B) is also inserted to regulate the proceedings at an inquiry held by virtue of sub-s.18(2). Under this sub-s., a number of matters relating to the conduct of proceedings (e.g. the persons who may appear and the manner and extent to which they may be examined) are defined as coming within the discretion of the Tribunal.

The Independent and Multicultural Broadcasting Corporation:

Clause 18 repeals Part III A of the Act, thereby abolishing the Special Broadcasting Service, and replaces it with a new Part III A (ss.79B-792U) establishing the Independent and Multicultural Broadcasting Corporation.

The new s.79D specifies the functions of the Corporation, which include the encouragement of public broadcasting, and authorises it to carry advertising.
Section 79ZC further states that all advertising revenue will accrue directly to the Corporation.

Section 79J specifies the membership of the Corporation, to consist of a Chairman, who may be full-time or part-time, a part-time Vice-Chairman, and between 5 and 9 part-time members. All members are to be appointed by the Governor-General for renewable terms of up to 5 years. Provision is made for the appointment on similar terms of a chief executive officer, who will be a member of the Corporation ex officio (s.79S).

Section 79Y authorises the Corporation to employ its own staff on conditions subject to the approval of the Public Service Board. Sections 79Z and 79ZA also authorise the use of advisers and the secondment of officers to and from other Commonwealth and State departments and statutory authorities.

Sections 79ZN and 79ZP allow the Corporation to establish State and Territory and National Consultative Committees. Each State or Territory Consultative Committee will consist of up to 18 members appointed by the Corporation for up to two-year terms which will not be renewable within 2 years of their expiry. The National Consultative Committee will consist of the Chairman of each State or Territory Committee and up to 6 further members appointed by the Corporation.

Section 79ZS requires the Minister to appoint Committees to undertake a public review of the activities of the Corporation after 2 years, and thereafter every 5 years.

Section 79ZU states that Part III A of the Act establishing the Corporation will cease to be in force after 7 years. This is commonly known as a "sunset clause".

Clause 41 of the Bill requires the Corporation to take over the assets, liabilities, rights and obligations of the Special Broadcasting Service. The Service will remain in existence until it has submitted its final report and financial statements.

Translator Station Licences:

Clauses 17, 19, 22-28 make amendments to allow for new categories of licence for National, Commercial and Public radio and television translator stations. Clause 41(8) specifies that existing translator station licences will remain in force with the status of commercial translator station licences.
Clause 33 inserts a new s.125 to indemnify the holder of such a translator station licence against any liability consequent on material broadcast within the conditions of the licence unless the person is also the holder of the licence for the broadcasting or television station.

Paragraph 16(b) relieves the Australian Broadcasting Commission of the responsibility to provide technical support to national translator stations.

Miscellaneous:

Clause 20 amends s.84 of the Act to allow the Minister to specify in the grant of a licence technical specifications different from those submitted in the application for that licence. Under sub-clause 2(2), this provision will apply retrospectively from 1/1/78.

Clause 33 inserts a new s.126 to authorise the Tribunal to grant temporary permits for test transmissions for periods of up to 7 days.

Clause 5 amends s.16 to relieve the Tribunal of the obligation to consult the Broadcasting Council in matters relating to broadcasting standards and general conditions of broadcasting.

Clause 28 inserts a new s.IIIBA to authorise the holders of public broadcasting licences to carry certain limited forms of sponsorship in accordance with directions given by the Tribunal.

Clause 10 amends sub-s.59(2) to remove the existing obligation on the Australian Broadcasting Commission to broadcast or televise concerts and other public entertainments which it has organised or subsidised.

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