Broadcasting and Television Amendment Bill (No. 2) 1980

Date Introduced: 22 May 1980
House: House of Representatives
Presented by: Hon. A.A. Staley, Minister for Post and Telecommunications

Short Digest of Bill

Purpose

To amend the Broadcasting and Television Act 1942 to:

a) implement policy decisions arising from the Government's consideration of the Australian Broadcasting Tribunal's Report on self-regulation for broadcasters;

b) provide for the holding of general inquiries by the Australian Broadcasting Tribunal.

Background

The Australian Broadcasting Tribunal's Report, Self Regulation for Broadcasters (July, 1977) recommended that the program standards devised by the old Australian Broadcasting Control Board be replaced by codes developed by the broadcasters and approved by the Tribunal. The Government accepted this recommendation and this Bill will give effect to that decision.

Major Provisions

Clause 4 inserts a new section 18A which provides that the Australian Broadcasting Tribunal may hold inquiries into:

a) the adequacy of broadcasting and television services (including the nature and quality of programs) provided in Australia or in any part of Australia;

b) the broadcasting and television codes to be observed by licensees;

c) the need for broadcasting or television services in Australia, or in any part of Australia.
Clause 5 amends section 79D to provide that advertisements broadcast or televised by the Independent and Multicultural Broadcasting Corporation will comply with commercial broadcasting and television codes insofar as they are capable of application to the Corporation's advertisements. It is to be noted that the s. 79D referred to in this Bill is not the present section 79D of the Act, but a new section 79D that is a provision of Clause 18 of the Broadcasting and Television Amendment Bill 1980, which is yet to receive the assent of the Senate.

Clause 7 introduces a new Division 4A relating to television and radio broadcasting codes. Under proposed section 98B the Australian Broadcasting Tribunal may invite bodies representing commercial and public television and broadcasting licensees to submit to the Tribunal codes with respect to the following matters:

- the quantity and timing of children's television programs;
- the quantity and timing of Australian television programs;
- the classification and timing of television programs;
- the quantity and timing of television advertisements;
- the use of radio program material produced or presented by Australians;
- the quantity and conditions relating to radio advertisements;
- the broadcasting (radio and television) of announcements relating to Tribunal inquiries.

Under proposed section 98C the Tribunal may approve, or refuse to approve, the codes submitted to the Tribunal. However, it shall not refuse to approve a code unless it has offered the body submitting the code the opportunity of amending it.

Under proposed section 98E the Tribunal may invite a body that has submitted a code, being a code that has been approved by the Tribunal, to submit amendments to that code in respect of matters it specifies. The Tribunal may approve, or refuse to approve, amendments that have been
submitted in response to such an invitation. However it shall not refuse to approve the amendments unless it has afforded the body an opportunity of altering the amendments.

Under proposed section 98F, where the Tribunal refuses to approve a code, or where a body refuses or fails to submit a code, or where a licensee refuses or fails to elect to comply with an approved code, the Tribunal may determine a code in respect of the relevant licensees or licensee. Where the Tribunal refuses to approve an amendment to a code, or where a body refuses or fails to submit amendments to a code in response to an invitation from the Tribunal, the Tribunal may make such amendments to a code as it deems fit.

Proposed section 98G requires the Tribunal to have regard to representations from the public and evidence and submissions given at inquiries when approving, amending or determining codes.

Proposed section 98K provides that broadcasting and television licences are subject to the condition that the licensee will comply with the relevant code.

Proposed section 98J requires codes and amendments to be published and made available to the public.

Proposed section 1178 requires a licensee to keep a record of all complaints with respect to matter televised or broadcast and to make the record available to the public.