

# **Radio New Zealand Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill amends the Radio New Zealand Act 1995. The Bill contains a new Radio New Zealand Charter. The new Charter results from a Parliamentary review required by the Act.

Under section 7(4) of the Radio New Zealand Act 1995, Radio New Zealand's Charter is required to be reviewed by the House of Representatives at 5-yearly intervals. The second Parliamentary review was completed in 2006. In preparation for the review, Radio New Zealand conducted a preliminary review followed by public consultation on a revised Charter. Radio New Zealand's proposed new draft was considered as part of the Select Committee's review and is reflected in the Bill. The Charter states the purpose of Radio New Zealand as a public broadcaster followed by provisions stating how it achieves that purpose through delivery of its services.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill is to come into force on 1 January 2010.

*Clause 3* provides that the Bill amends the Radio New Zealand Act 1995.

*Clause 4* amends section 2 to insert a definition of commercial-free.

*Clause 5* repeals sections 7 and 8 substitutes *new sections 7, 8, and 8A to 8C*.

*New section 7* requires the public radio company to give effect to its Charter.

*New section 8* sets out the Charter of the public radio company.

*New section 8A* sets out the principles of operation of the public radio company.

*New section 8B* requires the House of Representatives to review the Charter at intervals of not less than 5 years.

*New section 8C* requires the public radio company to include in its annual report required by section 150 of the Crown Entities Act 2004 an assessment of the extent to which its performance fulfils its Charter.

*Clause 6* makes consequential amendments to sections 2, 11(2), and 15(2).

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*Hon Dr Jonathan Coleman*

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Radio New Zealand Amendment Act **2009**.
- 2 Commencement**  
This Act comes into force on 1 January 2010.

- 3 Principal Act amended**  
This Act amends the Radio New Zealand Act 1995.
- 4 Interpretation**  
Section 2 is amended by inserting the following definition in its appropriate alphabetical order: 5  
“**commercial-free**—  
“(a) means without advertising or sponsorship; but  
“(b) to avoid doubt, does not include announcements by Radio New Zealand of its own services”.
- 5 New sections 7, 8, and 8A to 8C substituted** 10  
Sections 7 and 8 are repealed and the following sections substituted:  
“**7 Public radio company to give effect to Charter**  
The public radio company must give effect to its Charter.
- “8 Charter** 15  
The Charter of the public radio company is as follows:  
“*Purpose*  
“(1) As an independent and commercial-free public service broadcaster, the public radio company’s purpose is to serve the public interest.  
“(2) Freedom of thought and expression are foundations of democratic society and the public radio company as a public service broadcaster plays an essential role in exercising these freedoms. 20  
“(3) The public radio company fosters a sense of national identity by contributing to tolerance and understanding, reflecting and promoting ethnic, cultural, and artistic diversity and expression. 25  
“(4) The public radio company provides reliable, independent, and freely accessible news and information.
- “Delivery* 30  
“(5) In achieving its purpose, the public radio company must endeavour to provide services of the highest quality which—  
“(a) are predominantly and distinctively of New Zealand:

- “(b) inform, entertain, and enlighten the people of New Zealand:
- “(c) are challenging, innovative, and engaging:
- “(d) foster critical thought, and informed and wide-ranging debate: 5
- “(e) stimulate, support, and reflect the diversity of cultural expression, including drama, comedy, literature, and the performing arts:
- “(f) stimulate, support, and reflect a wide range of music, including New Zealand composition and performance: 10
- “(g) reflect New Zealand’s cultural identity, including Māori language and culture:
- “(h) provide awareness of the world and of New Zealand’s place in it:
- “(i) provide comprehensive, independent, accurate, impartial, and balanced regional, national, and international news and current affairs: 15
- “(j) provide programmes which balance special interest with those of wide appeal, recognising the interests of all age groups: 20
- “(k) contribute towards intellectual and spiritual development:
- “(l) include an international service to the South Pacific in both English and Pacific languages:
- “(m) take account of services provided by other broadcasters: 25
- “(n) take advantage of the most effective means of delivery:
- “(o) preserve and archive broadcasting material of historical interest.
- “8A Principles of operation**
- “(1) The public radio company must, in fulfilling its Charter, exhibit a sense of social responsibility by— 30
- “(a) having regard to the interests of the community in which it operates; and
- “(b) endeavouring to accommodate or encourage those interests when able to do so. 35
- “(2) The public radio company must, in fulfilling its Charter, ensure that it is not influenced by the commercial interests of other parties.

- “(3) The public radio company must, in fulfilling its Charter, ensure that it operates in a financially responsible manner and, for this purpose, that it—
- “(a) prudently manages its assets and liabilities; and
  - “(b) endeavours to ensure—
    - “(i) its long-term financial viability; and
    - “(ii) that it acts as a successful going concern.
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- “**8B Review of Charter**
- “(1) The House of Representatives must periodically review the Charter. 10
- “(2) The first review must be undertaken and completed as soon as practicable after 5 years after the commencement of the **Radio New Zealand Amendment Act 2009**.
- “(3) A subsequent review must be undertaken and completed as soon as practicable after the fifth anniversary of the later of the dates specified in **subsection (4)**. 15
- “(4) For the purposes of **subsection (3)**, the dates are—
- “(a) the date on which the select committee reviewing the Charter presents its report to the House of Representatives: 20
  - “(b) the date on which any subsequent legislation amending the Charter comes into force.
- “**8C Reporting**
- “(1) The public radio company must include in its annual report required by section 150 of the Crown Entities Act 2004 an assessment of the extent to which its performance fulfils its Charter. 25
- “(2) In making the assessment, the public radio company must take into account—
- “(a) annual research relating to its current audiences; and 30
  - “(b) research conducted from time to time (including people not in its current audiences); and
  - “(c) the measures, if any, it has taken as a result of the research.”

**6 Consequential amendments**

- (1) The definition of **Charter** in section 2 is amended by omitting “section 7” and substituting “**section 8**”.
- (2) Sections 11(2) and 15(2) are amended by omitting “section 8” and substituting “**section 8A**”.

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