

BROADCASTING AMENDMENT BILL

EXPLANATORY NOTE

THE main purpose of this Bill is to provide for the establishment of a television service to be operated by the Minister in Charge of Broadcasting in association with the existing broadcasting service.

Clause 2 authorises the Minister to establish and operate a television service. The service will be part of the broadcasting service and all the powers of the Minister with respect to broadcasting may be exercised by him with respect to the television service.

Clause 3 provides for the appointment of a Director of Television. The appointment will be by the Governor-General in Council and the term of each appointment will be the same as the term of appointment of the Director of Broadcasting. The Director of Television will, under the direction of the Minister, be in charge of the television service. He will not be subject to the Public Service Act 1912.

Clause 4 provides for the appointment of advisory committees for the purpose of advising the Minister with respect to matters relating to the television service.

Clause 5 modifies the provisions of the principal Act relating to advertising from broadcasting stations when these stations broadcast television programmes. At present advertising is permitted only from commercial stations operated by the Minister. The clause permits advertising from any television station and in effect no distinction is made between commercial stations and others so far as television is concerned. The clause also removes, in respect of television stations, an obligation to provide an alternative service for every locality served by a commercial station.

Clause 6 prohibits the operation of a broadcasting station from which television programmes may be transmitted except by the Minister. The clause will not prohibit the issue of licences for experimental stations but any such licence, if it relates to a television station, will require to be consented to by the Minister.

Clause 7 provides for the payment of money derived from the operation of the television service into the Broadcasting Account. It also authorises the Minister to borrow money for the purpose of exercising his functions.

Clause 8: At present the power of the Minister to collaborate with organisations for certain purposes is limited to organisations not formed for pecuniary gain. The amendment removes this limitation.

Hon. Mr Boord

BROADCASTING AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Broadcasting Act 1936

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Broadcasting Amendment Act 1960, and shall be read together with and deemed part of the Broadcasting Act 1936 (hereinafter referred to as the principal Act).
- 10 2. **Minister may establish television service**—(1) The Minister may establish and operate a television service to be carried on in association with the broadcasting service and may develop and improve that service from time to time.
- 15 (2) Subject to the provisions of this Act, the television service shall be deemed to be part of the broadcasting service and all the powers of the Minister with respect to the broadcasting service and broadcasting may be exercised by him in respect of the television service.

3. Director of Television—(1) There may from time to time be appointed a fit and proper person to be Director of Television, who, under the direction of the Minister, shall be in charge of the television service.

(2) The Director of Television shall be appointed by the Governor-General in Council, to hold office during his pleasure:

Provided that no person appointed as Director of Television shall hold office continuously without reappointment for a longer term than three years.

(3) On the occurrence from any cause of a vacancy in the office of Director of Television (whether by reason of death or resignation or otherwise), and in case of his absence from duty (from whatever cause arising), his powers, duties, and functions may be exercised and performed by any person authorised in that behalf by the Minister.

(4) The fact that any person exercises or performs any power, duty, or function of the Director of Television with the concurrence of the Minister shall be conclusive evidence of his authority to do so.

(5) For the purposes of this section the powers, duties, and functions of the Director of Television shall be deemed to include such of the powers of the Minister as may be delegated to the Director of Television in accordance with the provisions of this section in that behalf.

(6) Section 8 of the principal Act shall apply to the delegation of any powers to the Director of Television in accordance with this section as if the references therein to the Director of Broadcasting were references to the Director of Television.

(7) Subsection (1) of section 5 of the principal Act shall be read subject to the provisions of this section.

(8) Section 22 of the Public Service Amendment Act 1946 is hereby amended by repealing paragraph (f) and substituting the following paragraph:

“(f) The Director of Broadcasting and the Director of Television.”

4. Advisory committees—(1) For the purpose of advising the Minister in respect of such matters relating to the television service as he may refer to them, advisory committees may be appointed in accordance with this section.

(2) In particular, but without limiting the generality of subsection (1) of this section, advisory committees may be appointed to advise the Minister on matters relating to religion, children's programmes, or advertising so far as those matters relate to the operation of the television service.

(3) Every advisory committee shall consist of such number of members as the Minister thinks fit to be appointed by the Governor-General on the recommendation of the Minister.

(4) The members of every advisory committee shall hold office during the pleasure of the Governor-General.

(5) The powers of an advisory committee shall not be affected by any vacancy in the membership thereof.

(6) Every advisory committee appointed under this section is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951 and there shall be paid out of the Broadcasting Account to the members of any such committee remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with that Act, and the provisions of that Act shall apply accordingly.

(7) Every advisory committee shall meet at such times and places as the Minister may from time to time determine.

(8) Subject to the provisions of the principal Act and of any regulations made thereunder, any advisory committee may regulate its procedure in such manner as it thinks fit.

5. Provisions as to advertising—(1) Notwithstanding the provisions of section 14 of the principal Act, any broadcasting station under the control of the Minister from which television programmes are transmitted may transmit television programmes which include advertising matter:

Provided that advertising matter may be excluded from the programmes transmitted from any such station during such periods as the Minister thinks fit.

(2) Nothing in subsection (3) of section 14 of the principal Act shall apply to any broadcasting station established by the Minister from which television programmes are transmitted.

6. Limitation of right to operate television—(1) No person other than the Minister shall establish or operate any broadcasting station from which television programmes may be transmitted and no licence shall be issued under the Post Office Act 1959 for any such broadcasting station:

Provided that nothing in this subsection shall be deemed to limit the powers under that Act to issue licences for experimental stations.

(2) Notwithstanding the provisions of the Post Office Act 1959, no licence under that Act for an experimental station from which television images may be transmitted shall be granted without the consent of the Minister charged with the administration of the principal Act. 5

7. Financial provisions—(1) Section 12 of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(cc) All money derived from the operation of the television service:” 10

(2) Section 12 of the principal Act is hereby further amended by adding, as subsection (2) thereof, the following subsection:

“(2) The Minister, with the approval of the Minister of Finance, may from time to time borrow money for the purposes of the Broadcasting Account by way of overdraft from the Reserve Bank of New Zealand, or from any other source, on such terms and conditions as may be agreed upon, and any money so borrowed shall be payable into the Broadcasting Account.” 15 20

(3) Paragraph (a) of subsection (1) of section 13 of the principal Act is hereby amended by omitting the words “the Director”, and substituting the words “the Director of Broadcasting or the Director of Television”.

8. Powers of Minister—(1) Subsection (2) of section 8 of the Statutes Amendment Act 1947 is hereby amended by repealing paragraph (f), as amended by section 3 of the Broadcasting Amendment Act 1959, and substituting the following paragraph: 25

“(f) To collaborate with any society, association, or body of persons for any of the foregoing purposes.” 30

(2) Section 3 of the Broadcasting Amendment Act 1959 is hereby repealed.