

BROADCASTING AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Broadcasting Act 1976.

Clause 1 relates to the Short Title.

Clause 2—

- (a) Requires the Broadcasting Corporation of New Zealand to appoint—
- (i) A Chief Executive, who shall be the chief executive of the Corporation;
 - (ii) A Director-General of each Service, who shall direct that Service;
 - (iii) A General Manager Resource Services, who shall direct the resource services of the Corporation;
 - (iv) A Secretary of the Corporation; and
- (b) Empowers the Corporation to appoint, under section 37 of the principal Act, other Executive Officers.

Clause 3 amends section 57 (2) of the principal Act, which provides that the Corporation may not undertake capital expenditure in excess of \$200,000 for any particular purpose without the consent of the Minister of Broadcasting. The clause increases the figure of \$200,000 to \$500,000.

Clause 4 removes the power to specify in warrants the advertising hours of television stations. The advertising hours of television stations are not to include the hours specified in the new section 73A inserted by *clause 5* of the Bill. Nor are the advertising hours of commercial radio stations to include those hours.

Clause 5 provides that the advertising hours of commercial television stations shall be the same as the hours of transmission, except that those advertising hours shall not include—

- (a) The hours between 6 a.m. and midnight on—
- (i) Sunday; or
 - (ii) Christmas Day; or
 - (iii) Good Friday; or
- (b) Where Anzac Day falls on a Sunday, the hours between 6 a.m. and midnight on that day; or
- (c) Where Anzac Day does not fall on a Sunday, the hours between 6 a.m. and 1 p.m. on that day.

Clause 6 provides that the Broadcasting Tribunal may, on the application of the holder of a warrant, amend the warrant without holding a public hearing if the application is unopposed.

Clause 7 effects amendments that are consequential on the provisions of *clause 2*.

Hon. Jonathan Hunt

BROADCASTING AMENDMENT

ANALYSIS

Title	4. Conditions of warrants
1. Short Title	5. Advertising hours of television stations
2. Executive Officers	6. Applications and hearings
3. Capital works expenditure programme	7. Consequential amendments Schedule

A BILL INTITULED

An Act to amend the Broadcasting Act 1976

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

1. Short Title—This Act may be cited as the Broadcasting
Amendment Act 1984, and shall be read together with and
deemed part of the Broadcasting Act 1976* (hereinafter referred
to as the principal Act).

2. Executive Officers—The principal Act is hereby amended
by repealing section 37, and substituting the following section:
10 “37. (1) The Corporation—
“(a) Shall from time to time appoint the following officers:
“(i) A Chief Executive, who shall be the chief
executive of the Corporation:
“(ii) A Director-General of each Service, who shall
15 direct that Service:

*R.S. Vol. 13, p.1

“(iii) A General Manager Resource Services, who shall direct the resource services of the Corporation:

“(iv) A Secretary of the Corporation; and

“(b) May from time to time appoint such other Executive Officers as the Corporation thinks necessary for the effective exercise of its functions and powers. 5

“(2) Every officer appointed under this section shall, in managing or directing—

“(a) Any of the affairs of the Corporation; or

“(b) Any Service of the Corporation; or 10

“(c) Any resources of the Corporation,—

act in accordance with any policies determined, and any directions given to that officer, by the Corporation.

“(3) Each person appointed under **subsection (1)** of this section shall be appointed under a contract of service for such term of office and, subject to any determination of the Higher Salaries Commission, on such terms and conditions as to salary, allowances, and otherwise as the Corporation thinks fit. Any person appointed under **subsection (1)** of this section shall be eligible for reappointment from time to time. 15 20

“(4) Notwithstanding anything in **subsection (3)** of this section or in any contract of service, any person appointed under **subsection (1)** of this section—

“(a) Shall retire from office on attaining the age of 65 years:

“(b) May be removed from office by the Corporation for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Corporation. 25

“(5) On the occurrence from any cause of a vacancy in the office of a person appointed under **subsection (1)** of this section (whether by reason of death or resignation or otherwise), and in the case of the absence from duty (from whatever cause arising) of any such person, the powers, duties, and functions of that person may be exercised and performed by any person authorised in that behalf by the Corporation. 30 35

“(6) The fact that any person exercises or performs any power, duty, or function of the Chief Executive or a Director-General or the General Manager Resource Services or the Secretary with the concurrence of the Corporation shall be conclusive evidence of that person’s authority to do so.” 40

3. Capital works expenditure programme—Section 57 (2) of the principal Act is hereby amended by omitting the expression “\$200,000”, and substituting the expression “\$500,000”.

4. Conditions of warrants—Section 71A (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

- 5 “(d) Such other conditions as the Tribunal thinks fit relating
 to—
 “(i) The locality, power, hours of transmission, and
 frequency accorded to the holder of the warrant;
 and
10 “(ii) In the case of a sound-radio warrant, the
 advertising hours accorded to the holder of the
 warrant (which hours shall not include the hours
 specified in paragraphs (a) to (c) of section 73A of this
 Act):”.

5. Advertising hours of television stations—The principal
15 Act is hereby amended by inserting, after section 73 (as
substituted by section 14 of the Broadcasting Amendment Act
(No. 2) 1982), the following section:

- 20 “73A. Notwithstanding anything in any warrant in force in
 respect of a television station from which advertising
 programmes may be broadcast or in any condition of such a
 warrant, the advertising hours accorded to the holder of the
 warrant by that warrant shall be the same as the hours of
 transmission permitted by that warrant, except that those
 advertising hours shall not include—
25 “(a) The hours between 6 a.m. and midnight on—
 “(i) Sunday; or
 “(ii) Christmas Day; or
 “(iii) Good Friday; or
 “(b) Where Anzac Day falls on a Sunday, the hours between
30 6 a.m. and midnight on that day; or
 “(c) Where Anzac Day does not fall on a Sunday, the hours
 between 6 a.m. and 1 p.m. on that day.”

6. Applications and hearings—Section 78 of the principal
Act is hereby amended by inserting, after subsection (4), the
35 following subsection:

- “(4A) Notwithstanding anything in subsection (4) of this
 section, the Tribunal may, on the application of the holder of
 a warrant, amend the warrant, without holding a public
 hearing, if the application is unopposed.”

40 **7. Consequential amendments**—The principal Act is
 hereby consequentially amended in the manner indicated in
 the Schedule to this Act.

SCHEDULE

Section 7

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

Section Affected	Amendment
Section 2 (as substituted by section 2 (1) of the Broadcasting Amendment Act (No. 2) 1982)	<p>By inserting, in their appropriate alphabetical order, the following definitions:</p> <p>“‘Chief Executive’ means the chief executive of the Corporation appointed under section 37 of this Act;</p> <p>“‘General Manager Resource Services’ means the General Manager Resource Services appointed under section 37 of this Act.”</p>
Section 3	<p>By omitting from subsection (1) the words “each Director-General, the Secretary”, and substituting the words “each officer appointed under section 37 of this Act”.</p> <p>By omitting from subsection (2) the words “any Director-General or the Secretary”, and substituting the words “any officer appointed under section 37 of this Act”.</p>
Section 12	<p>By repealing this section, and substituting the following section:</p> <p>“12. Right of certain officers of Corporation to attend or be represented at meetings—(1) Any officer appointed under section 37 of this Act or an officer of the Corporation appointed in that behalf by any officer so appointed may attend a meeting of the Corporation or any committee of its members at the invitation of the chairman of the meeting.</p> <p>“(2) Any person attending a meeting under the authority of this section may, at the invitation of the chairman of the meeting, take part in the deliberations but shall have no vote at the meeting, and shall, if the Corporation or the committee so directs, retire temporarily from the meeting.”</p>
Section 18	<p>By repealing paragraph (c) of subsection (1), and substituting the following paragraph:</p> <p>“(c) Any officer appointed under section 37 of this Act or any other officer of the Corporation as the holder for the time being of any specified office.”</p> <p>By repealing subsections (5) and (6), and substituting the following subsections:</p> <p>“(5) If any officer appointed under section 37 of this Act or any other officer to whom such delegation has been made ceases</p>

SCHEDULE—*continued*
CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Affected	Amendment
Section 18— <i>continued</i> . .	<p>to hold office, such delegation shall continue to have effect as if made to the person for the time being holding the office or for the time being exercising the functions of the office.</p> <p>“(6) The fact that any officer appointed under section 37 of this Act or any other officer or any person lawfully acting for an officer appointed under section 37 of this Act or any other officer exercises any power of the Corporation shall, in the absence of proof to the contrary, be sufficient evidence of the authority of that officer or person to do so.”</p>
Section 38	<p>By omitting the words “(other than a Director-General or the Secretary)”.</p> <p>By adding, as subsection (2), the following subsection:</p> <p>“(2) Nothing in this section limits the provisions of section 37 of this Act.”</p>