

Broadcasting Amendment Bill

Government Bill

As reported from the committee of the whole
House

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Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

Hon Trevor Mallard

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Broadcasting Amendment Act **2007**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act amended

This Act amends the Broadcasting Act 1989.

Part 1

Amendments to Broadcasting Act 1989

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4 Interpretation

Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**content**, in relation to transmitting on demand, means—

“(a) programmes: 15

“(b) visual images that consist predominantly of alphanumeric text and software intended to—

“(i) inform, enlighten, or entertain; or

“(ii) promote the interests of any person; or

“(iii) promote any product or service 20

“**transmit on demand** means the transmission of content, by any means, made on the demand of a particular person for reception by that person”.

5 Functions of Commission

(1) Section 36 is amended by omitting “The functions” and substituting “The primary functions”. 25

(2) Section 36 is amended by adding the following subsection as subsection (2):

“(2) The Commission may also make funds available (on the terms and conditions that it thinks fit and, as far as practicable, in a manner consistent with its primary functions) for— 5

“(a) transmitting on demand; and

“(b) producing content for transmitting on demand; and

“(c) archiving content.”

6 Promotion of New Zealand content in programming

(1) Section 37 is amended by omitting “section 36(a)” and substituting “sections 36(1)(a) and **36(2)(a) and (b)**”. 10

(2) Section 37 is amended by inserting the following subparagraph after paragraph (a)(i):

“(ia) persons who have an interest in transmitting on demand in New Zealand and the production of content in New Zealand; and” 15

(3) Section 37(a)(ii) is amended by inserting “and transmitting on demand” after “broadcasting”.

(4) Section 37 is amended by repealing paragraph (b) and substituting the following paragraph: 20

“(b) promote, in its funding of the production of programmes and content, a sustained commitment by—

“(i) television and radio broadcasters to programming reflecting New Zealand identity and culture; and 25

“(ii) persons who transmit on demand to content reflecting New Zealand identity and culture; and”.

7 Matters to be taken into account in relation to funding proposals

(1) Section 39 is amended by omitting “broadcasting or for the production of a programme or programmes to be broadcast, shall” and substituting “broadcasting or transmitting on demand, or for the production of any programme to be broadcast or content to be transmitted on demand, must”. 30

(2) Section 39(d) is amended by omitting “a programme or programmes” and substituting “any programme or content”. 35

- (3) Section 39(d) is amended by omitting “proposed programme or programmes” and substituting “proposed programme or content”.
- (4) Section 39(d)(i) is amended by omitting “paragraphs (a) and (c) of section 36 of this Act” and substituting “section 36(1)(a) and (c) and **(2)(b)**”. 5
- (5) Section 39(d)(ii) is amended by inserting “and content” after “programmes”.
- (6) Section 39 is amended by repealing paragraph (e) and substituting the following paragraph: 10
“(e) in the case of a proposal for the production of any programme or content, the likelihood that the proposed programme or content, if produced, would be broadcast or transmitted on demand.”
- 8 Requirements in relation to standards** 15
- (1) Section 40 is amended by omitting “a programme or programmes” and substituting “any programme or content for broadcast”.
- (2) Section 40 is amended by omitting “the programme or programmes,” and substituting “the programme or content”. 20
- 9 Commission to have regard to Government policy**
- (1) Section 44(2) is amended by repealing paragraph (a) and substituting the following paragraph:
“(a) any programme or content; or”
- (2) Section 44(2)(b) is amended by omitting “current affairs programmes” and substituting “any current affairs programme or content”. 25
- 10 New section 53B substituted**
- Section 53B is repealed and the following section substituted:
- “53B Functions of Te Reo Whakapuaki Irirangi** 30
- “(1) The primary function of Te Reo Whakapuaki Irirangi is to promote Māori language and Māori culture by making funds available, on the terms and conditions that it thinks fit, for—
- “(a) broadcasting; and
- “(b) producing programmes for broadcasting; and 35

- “(c) archiving programmes.
- “(2) Te Reo Whakapuaki Irirangi may also make funds available (on the terms and conditions that it thinks fit and, as far as practicable, in a manner consistent with its primary function) for— 5
- “(a) transmitting on demand; and
- “(b) producing content for transmitting on demand; and
- “(c) archiving content.”
- 11 Consultation**
- (1) Section 53C is amended by omitting “function” and substituting “functions”. 10
- (2) Section 53C is amended by inserting “persons who transmit on demand,” after “broadcasters,”.
- 12 Matters to be taken into account in relation to funding proposals** 15
- (1) Section 53E is amended by omitting “broadcasting or for the production of a programme or programmes to be broadcast, shall” and substituting “broadcasting or transmitting on demand, or the production of any programme to be broadcast or content to be transmitted on demand, must”. 20
- (2) Section 53E is amended by repealing paragraph (d) and substituting the following paragraph:
- “(d) in the case of a proposal for the production of any programme or content, the extent to which the proposed programme or content would contribute to Te Reo Whakapuaki Irirangi fulfilling its functions under section 53B; and”. 25
- (3) Section 53E is amended by repealing paragraph (e) and substituting the following paragraph:
- “(e) in the case of a proposal for the production of any programme or content, the likelihood that the proposed programme or content, if produced, would be broadcast or transmitted on demand; and”. 30

13	Te Reo Whakapuaki Irirangi to have regard to Government policy	
(1)	Section 53S(2) is amended by repealing paragraph (a) and substituting the following paragraph: “(a) any programme or content; or”.	5
(2)	Section 53S(2)(b) is amended by omitting “current affairs programmes” and substituting “any current affairs programme or content”.	
Part 2		
Miscellaneous		10
14	Stylistic amendments to Broadcasting Act 1989 The Broadcasting Act 1989 is amended in the manner specified in the Schedule .	
15	Spent sections of Broadcasting Act 1989 repealed The following spent sections of the Broadcasting Act 1989 are repealed:	15
(a)	section 92 (transitional provision in relation to broadcasting station levies); and	
(b)	section 93 (transitional provision in relation to Broadcasting Tribunal); and	20
(c)	section 94 (transitional provision in relation to appeals under the Broadcasting Act 1976); and	
(d)	section 95 (transitional provision in relation to radio apparatus licences); and	
(e)	section 96 (final report of Broadcasting Tribunal).	25
16	Remedial technical amendment to Television New Zealand Act 2003	
(1)	This section amends the Television New Zealand Act 2003.	
(2)	The item relating to the Broadcasting Act 1989 in Schedule 1 is amended by omitting “Preamble” and substituting “Long Title”.	30

Schedule **s 14**
**Stylistic amendments to Broadcasting Act
1989**

Section 4(1)

Omit “which” and substitute “that”. 5

Section 6(1)(ba)

Omit “seconds” and substitute “seconds”.

Section 13(1)(a)

Omit “which” in each place where it appears and substitute “that” in each case. 10

Section 16(2)

Omit “unless—” and substitute “unless,—”.

Section 21(2)

Omit “subject-matter” and substitute “subject matter”.

Section 28(1) 15

Omit “which was” and substitute “that was”.

Heading to section 70C

Omit “**Contents**” and substitute “**Particulars**”.

Section 70C(e)

Omit “which” and substitute “that”. 20

Section 71(4)

Omit “77A,” and substitute “77A”.

Section 76B(1)

Omit “section 74A of this Act” and substitute “section 74A”.

Section 76B(1)

Omit “section 76A of this Act” and substitute “section 76A,”.

Legislative history

29 August 2007	Introduction (Bill 149-1)
6 September 2007	First reading and referral to Commerce Committee
23 November 2007	Reported from the Commerce Committee (Bill 149-1)
5 March 2008	Second reading
6 March 2008	Committee of the whole House (Bill 149-2)

