

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
5th November, 1931.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]
Legislative Council, 6th November, 1931.

Hon. Mr. Hamilton.

BROADCASTING.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for a National Broadcasting Service, and for that Purpose to constitute a New Zealand Broadcasting Board. Title.

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

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| <p>1. This Act may be cited as the Broadcasting Act, 1931.</p> <p>2. In this Act, unless the context otherwise requires,—</p> <p>10 “Advisory Council” or “Council” means the Advisory Council appointed in accordance with this Act:</p> <p>“Board” means the New Zealand Broadcasting Board established under this Act:</p> <p>“Minister” means the Minister of Telegraphs.</p> <p>15 3. (1) There is hereby established a Board, to be known as the New Zealand Broadcasting Board (hereinafter referred to as the Board).</p> <p>(2) The Board shall consist of <i>three</i> persons to be from time to time appointed by the Governor-General in Council. One such member shall be so appointed as Chairman of the Board.</p> <p>20 (3) The first person appointed as Chairman of the Board shall hold office as a member of the Board and as Chairman thereof for a</p> | <p>Short Title.</p> <p>Interpretation.</p> <p>Establishment of New Zealand Broadcasting Board.</p> |
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period not exceeding five years from the date of his appointment. Every subsequent such appointment shall be for a period not exceeding three years.

(4) Of the first members of the Board other than the Chairman one shall be appointed for a period not exceeding four years, and one for a period not exceeding three years from the date of their respective appointments, and thereafter every such member of the Board shall be appointed for a period not exceeding three years. 5

(5) At the termination of the period for which he was appointed every person appointed as aforesaid shall cease to be a member of the Board, but shall be eligible for reappointment. 10

Provision for
appointment
of Advisory
Council.

4. (1) For the purpose of advising the Board in respect of its functions under this Act, there shall be appointed, in accordance with this section, an advisory body to be called the Advisory Council to the New Zealand Broadcasting Board. 15

(2) The Advisory Council shall consist of eight members, of whom five shall be ordinarily resident in the North Island and three shall be ordinarily resident in the South Island.

(3) The members of the Council shall be appointed by the Governor-General, on the recommendation of the Minister, for a term not exceeding *three* years, save that any such member may be reappointed, or may be at any time removed from office by the Governor-General, or may resign his office by writing addressed to the Minister. 20

(4) Before making any recommendation under the *last preceding* subsection the Minister shall give to the several recognized organizations of listeners an opportunity to nominate persons suitable for appointment as members of the Advisory Council. 25

(5) Members of the Advisory Council (not being officers in the service of the Government) shall be paid out of the revenue of the Board such allowances as may be prescribed in that behalf by regulations under this Act, and all travelling-expenses reasonably incurred by them in respect of attendance at meetings of the Council. 30

(6) The Advisory Council shall meet at such times and places as the Board or the Minister may from time to time determine. 35

Incorporation of
Board.

5. The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Contracts of Board.

6. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board. 40

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board. 45

(3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board, but no verbal contract shall be made involving the payment by the Board of a sum exceeding *twenty* pounds. 50

Removal of members
from office.

7. (1) Any member of the Board may be at any time removed from office by the Governor-General in Council for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by

writing addressed to the Minister, and in any such case, or in the event of the death of any member of the Board, the Governor-General in Council may appoint any other person to be a member of the Board to hold office for the remainder of the period for which the person
5 so vacating office was appointed.

(2) Any member of the Board who becomes in any way concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager) in any contract made by or on behalf
10 of the Board whereby he becomes entitled to receive any money or other valuable consideration may be removed from office under the *last preceding* subsection.

8. The publication in the *Gazette* of a notice of the appointment or removal from office of, or the vacation of office by, the Chairman
15 or any other member of the Board shall be conclusive evidence of such appointment, removal from office, or vacation of office, as the case may be.

9. In the event of the incapacity of any member of the Board by reason of illness, absence, or other cause, the Minister may appoint any other person to act in the place of that member during his incapacity.

10. (1) The Chairman of the Board shall be paid a salary at the rate of *six hundred and fifty* pounds per annum, and the other members of the Board shall each be paid a salary at the rate of
20 *three hundred and fifty* pounds per annum.

(2) Every person appointed to act in the place of any member
25 during his incapacity shall be paid such remuneration for his services while so acting as may be determined by the Board with the approval of the Minister.

(3) The members of the Board shall be paid such travelling allowances and expenses as may from time to time be approved by the
30 Minister.

(4) All payments made pursuant to this section shall be paid out of the revenue of the Board.

11. (1) The Board shall hold meetings for the transaction of its business at such times and places as the Board itself by resolution or
35 the Chairman from time to time determines, and, save as hereinafter provided, no power conferred on the Board by this Act shall be exercised otherwise than pursuant to a resolution passed at such a meeting and concurred in by at least two members.

(2) At all meetings of the Board two members shall constitute a
40 quorum.

Struck out.

(3) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also
45 have a casting vote. The decision of the Board on any matter shall be determined by a majority of the valid votes recorded thereon.

(4) Where for any reason it is not practicable to hold a meeting of the Board for the transaction of any business, the assent of all the members signified in writing or by telegram to the doing of any act or thing or to the giving of any order, direction, instruction, consent, or
50 approval, or to the exercise of any act of authority, shall be as effective as and be deemed to be a resolution of the Board duly passed at a meeting thereof:

Provided that a record of every such assent shall be entered in the minutes of the next meeting of the Board.

Evidence of appointment or of removal from or vacation of office.

Appointment of deputy members.

Remuneration of members.

Meetings of Board.

Officers of Board.

12. The Board may from time to time appoint such officers and servants as it deems necessary for the efficient exercise and performance of its functions and duties under this Act.

Power to appoint advisory committees.

13. The Board may from time to time, for such purposes and on such conditions as it may decide, appoint standing or special committees (including district committees) to advise the Board in respect of matters connected with the broadcasting service, or otherwise in connection with the business, operations, or affairs of the Board.

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Members and employees of Board not to be deemed officers of Public Service.

14. The members, officers, and servants of the Board and the members of the *Advisory Council* or of any committee appointed by the Board shall not as such be deemed to be permanent officers of the Public Service or subject to the Public Service Act, 1912.

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Functions of Board.

15. The functions of the Board shall be to carry on a broadcasting service within New Zealand on and after the *first* day of January, nineteen hundred and *thirty-two*, and to develop and improve such service from time to time ; and for such purposes the Board may obtain licenses under the Post and Telegraph Act, 1928, for the establishment and operation of broadcasting stations, and may enter into agreements with the Minister pursuant to section two hundred and three of that Act for the payment to the Board of portion of the fees received in respect of licenses in relation to wireless telegraphy. The Board shall have authority to carry on in connection with such broadcasting service any subsidiary business that in the opinion of the Minister is ancillary to the carrying-on of such a service, and shall have all such other powers, not inconsistent with this Act, as are reasonably necessary for the effective performance of its duties and functions.

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Board to take over existing stations.

16. (1) The Board, if and when required by the Minister so to do, shall acquire from him, at such price and upon such terms and conditions as he thinks fit, any broadcasting stations, plant, and other assets that the Minister may acquire from the Radio Broadcasting Company of New Zealand, Limited, pursuant to agreements made between the Minister and the said Company, on the eighteenth day of July, nineteen hundred and twenty-five, and the sixteenth day of December, nineteen hundred and twenty-six respectively.

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Validation of agreements.

(2) The said agreements are hereby declared to be valid, and any payment to be made by the Minister to the said Company in terms thereof shall be paid out of the Post Office Account without further appropriation than this section.

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Board not to deal in wireless apparatus.

17. The Board shall not be competent to hold a dealer's license under section two hundred and one of the Post and Telegraph Act, 1928.

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Restriction on foreign concessions.

18. Except with the precedent consent in writing of the Minister, the Board shall not seek any concession, right, or privilege from or enter into any negotiation or arrangement with any Government other than the New Zealand Government.

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Board not to borrow without consent.

19. (1) The Board shall not borrow any money, or mortgage or charge any of its property or rights, except with the precedent consent in writing of the Minister of *Finance*.

Minister may advance Board's preliminary expenses.

(2) For the purpose of enabling the Board to commence to exercise its functions without delay, the Minister may from time to time, upon such terms and conditions as he thinks fit, advance to the Board

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any moneys required for the payment of any preliminary or general expenses (including salaries) payable by the Board before it has sufficient revenue for the payment thereof.

Audit of Board's
accounts.

20. The accounts of the Board shall be subject to audit in the same manner in all respects as if the moneys of the Board were public moneys within the meaning of the Public Revenues Act, 1926. 5

Annual report and
statement of
accounts.

21. The Board shall in the month of January, nineteen hundred and *thirty-three*, and in the same month in every year thereafter, furnish to the Minister a report on its proceedings and operations during the preceding year. Such report shall contain, in such form as the Minister from time to time approves or directs, a balance-sheet and a profit and loss account, together with such other statements of accounts as may be necessary to show fully the financial position of the Board and the financial results of its operations for the year; and a copy of such report and of such accounts, duly audited by the Audit Office, shall be laid before Parliament. 10 15

Power to establish
depreciation and
other reserves.

22. (1) The Board may establish a depreciation reserve, to which may be charged any depreciation in the value of the Board's assets, and any loss involved in the destruction of or injury to any such assets, and any expenditure involved in the replacement of assets. 20

(2) The Board may also from time to time, with the consent of the Minister, establish such other reserves as it deems necessary or expedient.

(3) In each financial year the Board may appropriate from its revenue and credit to any such reserve such amount (if any) as the Minister approves. 25

Investment of
surplus moneys
belonging to Board.

23. Any moneys belonging to the Board and available for investment may be invested in securities of the Government of New Zealand or in such other manner as the Minister of *Finance* from time to time approves. 30

Regulations.

24. The Governor-General may by Order in Council make all such regulations as are contemplated by this Act or as are reasonably required for the purpose of giving effect thereto.