



ANALYSIS

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1971, No. 18

An Act to amend the Broadcasting Authority Act 1968

[20 September 1971

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 Authority Amendment Act 1971, and shall be read together with and deemed part of the Broadcasting Authority Act 1968 (hereinafter referred to as the principal Act).

2. Functions and powers of Authority—Section 9 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (3), after the words “are available”, the words “or needed”.

3. Authority to make rules—Section 10 of the principal Act is hereby amended by inserting in subsection (2), after paragraph (c), the following paragraph:

“(cc) Regulating the association of holders of warrants for the purpose of establishing or operating any network of broadcasting stations, prescribing conditions subject to which any network of broadcasting

stations may operate, and controlling the provision of and the conditions for the broadcasting of network programmes:”.

4. Short-term broadcasting authorisation—(1) The principal Act is hereby amended by inserting, after section 16, the following section:

“16A. (1) The Authority may from time to time grant to any holder of a warrant, or any other person, on application in writing by him, an authorisation in writing permitting the operation of a broadcasting station for any period not exceeding 28 days.

“(2) The provisions of this Act relating to warrants shall not apply to any such authorisation.

“(3) The Authority shall not grant an application under this section until the Director-General of the Post Office has certified that the application complies with the technical requirements of the Post Office.

“(4) An authorisation granted under this section shall be subject to such terms and conditions as the Authority thinks fit to impose.”

(2) Section 16 of the principal Act is hereby amended—

(a) By inserting in subsection (1), after the word “warrant”, the words “or authorisation”:

(b) By inserting in subsection (2), after the word “warrant”, the words “or authorisation”.

5. Relay stations—Section 18 of the principal Act is hereby amended—

(a) By repealing subsections (1) and (3):

(b) By omitting from subsection (2) the words “issued to a person other than the Corporation”.

6. Applications and hearings—(1) Section 20 of the principal Act is hereby amended by omitting from subsection (3) the words “an inquiry in respect of”.

(2) The said section 20 is hereby further amended by adding the following subsection:

“(11) Notwithstanding anything in subsections (3) to (9) of this section, on an application being made for a warrant to establish and operate a relay station or a diffusion service the Authority may give public notice of the receipt of the application, specifying in the notice a time, being not less than 21 clear days after the date of the notice, within which it will receive written representations for or against the granting of

the application, and stating that if no written representations are received within that time the Authority may grant the application without a hearing. If within the time so specified no written representations against the granting of the application are received, the Authority may if it thinks fit, without giving any further notice or holding a hearing under this section, grant the application subject to such terms and conditions as it thinks fit to impose.”

7. Conditions of warrant—Section 25 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (1), and also from paragraph (f) of that subsection, the word “may”, and substituting in each case the word “shall”.

8. Amendment of conditions—Section 28 of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that no condition shall be amended or added or revoked under this section until the Director-General of the Post Office certifies that the amended or added condition complies with, or, as the case may be, the revocation will not affect, the technical requirements of the Post Office.”

9. Renewal of warrants—Section 29 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) The renewal of a warrant shall take effect for the same period as the term of the warrant renewed, except that if the Authority is of the opinion that the holder of the warrant is or has been in breach of any condition of his warrant the Authority may grant a renewal to take effect for such shorter period as it thinks fit.

“(3A) Any renewal of a warrant may be granted in advance to take effect as aforesaid, and shall be subject to such terms and conditions as may be prescribed in the renewal.”