

# Supplementary Order Paper

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## HOUSE OF REPRESENTATIVES

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Wednesday, the 30th Day of October 1968

BROADCASTING AUTHORITY BILL

### *Proposed Amendments*

(NOTE: This Supplementary Order Paper is in substitution for the earlier Supplementary Order Paper No. 8. It includes, without alteration, all the amendments proposed in that Supplementary Order Paper. It also contains proposed amendments to clauses 8 and 9 of the Bill.)

HON. MR ADAMS-SCHNEIDER, in Committee, to move the following amendments:

*Clause 8:* To insert, after subclause (1), the following subclause:

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

*Clause 9, subclause (3):* To add the following paragraph:

(d) Out of the proceeds of any levy on private broadcasting stations imposed under section 33 of this Act, make grants or pay subsidies to any body or organisation engaged in assisting, promoting, or carrying out any performing art or cultural pursuit.

*Clause 12, subclause (1):* To omit this subclause, and substitute the following subclause:

(1) In the exercise of its functions and powers under this Act the Authority shall comply with the general policy of the Government in relation to the functions and powers of the Authority, and shall comply with any general or special directions given by the Minister to the Authority by notice in writing pursuant to the policy of the Government in relation to those functions and powers.

*Clause 15, subclause (1):* To add the following proviso:

Provided that any disputed point of law referred to the Supreme Court under section 10 of that Act shall be heard and determined by the Administrative Division of the Supreme Court.

*Clause 23 (as substituted by the Statutes Revision Committee):* To omit from subclause (1) the words "the Supreme Court", in line 19 on page 14, and substitute the words "the Administrative Division of the Supreme Court (in this section referred to as the Court)".

To omit from subclause (3) the word "Supreme", in line 27.

To omit from subclause (4) the word "Supreme", in both places where that word occurs in the subclause (lines 31 and 35).

To omit subclauses (5) and (6).

To omit from subclause (9) the word "Supreme", wherever that word occurs in the subclause (lines 26, 30, and 38 on page 15).

To omit from subclause (12) the word "Supreme", in line 5 on page 16.

To omit the proviso to subclause (15), and substitute the following proviso:

Provided that nothing in this subsection shall be construed to prohibit or restrict the Supreme Court from exercising a supervisory jurisdiction over the Authority on questions of law.

*Clause 46:* To omit paragraph (b), and substitute the following paragraph:

- (b) Limiting or regulating the ownership or control, or changes in the ownership or control, whether direct or indirect, of private broadcasting stations or their operation and management, and of companies operating or controlling such stations, and the holding, acquisition, or disposal of shares of and stock, debentures, rights, or interests of any kind in such companies; and prescribing, or authorising the Authority to prescribe, such conditions and requirements as may be necessary for any such purposes as aforesaid:

#### EXPLANATORY NOTE

*Clause 8* of the Bill authorises the Broadcasting Authority to appoint committees to advise it on such matters relating to its functions as are referred to them by the Authority. The clause is in the same terms as section 8 of the Broadcasting Corporation Act 1961, except that the provision mentioned below was not included in the Bill.

This amendment provides that in particular the Authority may appoint committees to advise it on matters relating to religion, children's programmes, or advertising so far as those matters relate to the Authority's functions. The amendment is in the same terms as section 8 (2) of the Broadcasting Corporation Act 1961.

*Clause 9, subclause (3):* This amendment authorises the Authority, out of the proceeds of any levy imposed on private broadcasting stations imposed under *clause 33* of the Bill, to make grants or pay subsidies to any body or organisation engaged in assisting, promoting, or carrying out any performing art or cultural pursuit.

*Clause 12 (1):* The present clause requires the Authority, in the exercise of its functions and powers, to comply with the general policy of the Government. The substituted subclause set out above qualifies the present wording by limiting it to the general policy of the Government "in relation to the functions and powers of the Authority".

*Clause 15, subclause (1):* Under this clause of the Bill the Authority has the powers of a Commission of Inquiry, and certain provisions of the Commissions of Inquiry Act 1908 apply. One of those sections is section 10, which authorises the reference by the Authority to the Supreme Court of a disputed point of law arising in the course of any inquiry.

This amendment, which takes the place of *paragraph (b)* of the proviso to *clause 23 (15)* of the Bill, provides that any disputed point of law so referred to the Supreme Court by the Authority is to be heard and determined by the Administrative Division of the Supreme Court. A similar transfer of jurisdiction in relation to appeals is made in other amendments to *clause 23*, noted below.

*Clause 23:* The amendments made to this clause transfer from the Supreme Court to the Administrative Division of that Court the jurisdiction to hear appeals to which the clause applies.

*Clause 46:* Clause 46 (b) of the Bill authorises the making of regulations regulating or controlling changes in the ownership or control of private broadcasting stations (which includes television stations).

This amendment rewrites paragraph (b) in greater detail, so that regulations may be made limiting or regulating the ownership or control, or changes in the ownership or control, of such stations or of companies operating or controlling them. Such regulations may prescribe conditions, or authorise the Authority to prescribe conditions, for these purposes. (Under *clauses 21 and 26* of the Bill the Authority, in considering applications for warrants or for its consent to transfers, is required to have regard to the desirability of avoiding monopolies in the ownership or control of news media; and under *clause 24* a warrant is to prescribe such matters or conditions as are prescribed by regulations or as the Authority thinks proper.)