



ANALYSIS

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1979, No. 49

An Act to amend the Broadcasting Act 1976

[23 November 1979]

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 and commencement—(1) This Act may be cited as the Broadcasting Amendment Act 1979, and shall be read together with and deemed part of the Broadcasting Act 1976 (hereinafter referred to as the principal Act).

(2) Except as provided by section 3 (9) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “relay station”, and substituting the following definition:

“‘Relay station’ means a broadcasting station that (except for use in accordance with a short-term broadcasting authorisation under section 76 of this

Act) is used solely to broadcast simultaneously the programme being broadcast by another broadcasting station:”.

3. Services and divisions of Corporation—(1) Section 5 of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraph:

“(b) A Service to be called Television New Zealand:”.

(2) Section 2 of the principal Act is hereby amended by omitting the definition of the term “Service”, and substituting the following definition:

“‘Service’ means Radio New Zealand or Television New Zealand, or any other service established by the Corporation under this Act:”.

(3) Section 2 of the principal Act is hereby further amended by repealing the definitions of the terms “Television One” and “Television Two”, and substituting the following definitions:

“‘Television New Zealand’ means the Service called Television New Zealand established under this Act:

“‘Television One’, or ‘TV1’, means the television stations called Television One operated by the Corporation:

“‘Television Two’, or ‘TV2’, means the television stations called Television Two operated by the Corporation:”.

(4) Section 3 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) To provide for public broadcasting to be controlled by a corporation which, subject to this Act,—

“(i) Acts as a trustee of the national interest; and

“(ii) Operates its Services with the maximum independence:”.

(5) Section 10 of the principal Act is hereby amended by repealing subsections (1) and (2).

(6) Section 17 (1) (a) of the principal Act is hereby amended by repealing subparagraph (ii), and substituting the following subparagraph:

“(ii) To ensure that TV1 and TV2 each covers as far as practicable the whole of New Zealand:”.

(7) Section 22 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) To ensure that each Service operates as a public service to provide and produce programmes which inform, educate, and entertain.”.

(8) Section 70 (3) of the principal Act is hereby amended by omitting the words “TV1 and TV2 operated”, and substituting the words “Television New Zealand operated from time to time”.

(9) This section shall come into force on the 16th day of February 1980.

4. No other corporation to be formed with similar name—
The principal Act is hereby amended by repealing section 15, and substituting the following section:

“15. No company or other body shall be incorporated or registered under any Act or otherwise with a name—

“(a) That is identical with the name of—

“(i) The Corporation; or

“(ii) Any Service; or

“(iii) Any broadcasting station operated by the Corporation; or

“(b) That is identical with the call sign of any broadcasting station operated by the Corporation; or

“(c) That so resembles any name or call sign specified in paragraph (a) or paragraph (b) of this section as to be misleading or to be calculated to deceive.”

5. Classification and conditions of warrants—Section 71 (2) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraphs:

“(d) Such other conditions as the Tribunal thinks fit relating to the locality, power, hours of transmission, frequency, and advertising hours accorded to the station to which the warrant relates:

“(e) Such other matters or conditions (not being matters or conditions that conflict with provisions of this Act imposing duties or conferring powers on the Corporation) as the Tribunal thinks fit:

“(f) Such other matters or conditions as may from time to time be prescribed by or pursuant to any regulations made under this Act.”

6. New sections substituted—The principal Act is hereby amended by repealing section 76, and substituting the following sections:

“76. Short-term broadcasting authorisations—(1) The Tribunal may from time to time grant to any holder of a warrant, or any other person, on application in writing by that holder or other person, an authorisation in writing permitting, subject to such terms and conditions as the Tribunal thinks fit, the operation of a broadcasting station—

“(a) For a period not exceeding 28 days; or

“(b) For a series of short-term broadcasts, each for a period not exceeding 28 days, during a period not exceeding 1 year.

“(2) Every authorisation granted under subsection (1) (b) of this section shall specify—

“(a) The period, not exceeding 1 year, during which the broadcasting station may be operated for short-term broadcasts:

“(b) The times during that period when broadcasts are authorised:

“(c) The total number of hours of broadcasting permitted by the authorisation:

“(d) Any other terms and conditions imposed by the Tribunal.

“(3) The Tribunal shall not grant an application under this section (other than an application in respect of a broadcasting station for which a warrant is in force or in respect of a relay station) until the Director-General of the Post Office has certified that the application complies with the technical requirements of the Post Office under the Post Office Act 1959 and the Radio Regulations made under that Act.

“76A. Procedures applicable in relation to short-term broadcasting authorisations—(1) Every application for a short-term broadcasting authorisation shall be forwarded to the Registrar of the Tribunal accompanied by the prescribed fee.

“(2) Subject to subsection (3) of this section, a copy of each application shall be forwarded by the Registrar to the Director-General of the Post Office and the Secretary and to the holders of warrants or short-term broadcasting

authorisations for the time being in force in respect of broadcasting stations already serving the locality proposed to be served, all of whom shall be entitled to make submissions to the Tribunal in respect of the application.

“(3) The Tribunal may, even though subsection (2) of this section has not been complied with, deal, informally and without notice, with an application under section 76 (1) (a) of this Act for a short-term broadcasting authorisation in respect of a broadcasting station for which a warrant is in force or in respect of a relay station if the Tribunal is satisfied that—

“(a) The application arises from circumstances that could not reasonably have been foreseen by the applicant; and

“(b) It is in the public interest that the application should receive immediate consideration; and

“(c) The time likely to be taken by compliance with formal procedures would defeat or would be likely to defeat the purpose of the application.

“(4) No application for a short-term broadcasting authorisation shall be granted to any person, unless that person is a company or body corporate incorporated in New Zealand.

“(5) Subject to section 76 (2) of this Act, the Tribunal may, without holding a hearing, amend or revoke any of the terms and conditions of any short-term broadcasting authorisation or add such new terms and conditions as it thinks fit:

“Provided that (except in the case of a short-term broadcasting authorisation in respect of a broadcasting station for which a warrant is in force or in respect of a relay station) no term or condition shall be amended or added or revoked under this subsection until the Director-General of the Post Office certifies that the amended or added term or condition complies with, or, as the case may be, the revocation will not affect, the technical requirements of the Post Office under the Post Office Act 1959 and the Radio Regulations made under that Act.

“(6) If the Tribunal is of the opinion that the broadcasting station has not been carried on in conformity with the short-term broadcasting authorisation, it may, without holding a hearing,—

“(a) Revoke the authorisation; or

“(b) Suspend the authorisation for such period as it thinks fit.

“(7) The Tribunal may, in its discretion, make such decision in relation to matters considered under section 76 of this Act or this section as it considers appropriate in the circumstances and, subject to section 84 of this Act, any decision shall be final and conclusive.

“(8) No appeal against any decision of the Tribunal under section 76 (1) (a) of this Act or this section shall have the effect of suspending the decision until the final determination of the appeal.

“(9) Where the Tribunal makes any decision under section 76 of this Act or this section, the applicant or any person entitled under section 84 of this Act (as applied by subsection (10) of this section) to appeal against that decision shall be entitled, on written request to the Tribunal, to receive from the Tribunal a written statement of its reasons for the decision.

“(10) Subject to this section and to any regulations made under this Act, the procedures applicable under sections 80, 82, and 84 of this Act in relation to warrants shall, with the necessary modifications, apply in relation to short-term broadcasting authorisations.”

Cf. 1968, No. 33, s. 16A; 1971, No. 18, s. 4 (1); 1973, No. 116, s. 87

7. Regulations—Section 98 (b) of the principal Act is hereby amended by omitting the word “Corporation”, and substituting the word “Tribunal”.

This Act is administered in the Broadcasting Corporation of New Zealand.