

House of Representatives

# Supplementary Order Paper

**Tuesday, 30 June 2015**

**Radio New Zealand Amendment Bill**

*Proposed amendments for the consideration of the Committee of the whole House*

**Key:**

- **this is inserted text**
- **~~this is deleted text~~**

**Note:** This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**



## Explanatory note

This Supplementary Order Paper amends the Radio New Zealand Amendment Bill.

The amendments relate to the following matters:

### Commencement

*Clause 2* is amended to substitute a new commencement as the date in the clause has passed.

### Commercial-free

In *clause 5*, *new section 8AB* contains the provisions relating to Radio New Zealand's role as a commercial-free public service broadcaster. The amendments clarify that Radio New Zealand must, in fulfilling its Charter, provide its services in a commercial-free manner.

However, the new section provides that, subject to certain criteria, this requirement does not apply to—

- providing media services outside New Zealand;
- authorising other providers of media services to broadcast or publish content that has already been broadcast or published in a commercial-free manner by Radio New Zealand;
- arranging for providers of delivery platforms to provide access to live broadcasts of the content of Radio New Zealand, but only if—
  - the content is free to access on Radio New Zealand's services; and
  - the content is commercial-free, whether or not the delivery platform is free to access; and
  - any advertising or sponsorship on the delivery platform is not presented as advertising or sponsorship carried or endorsed by Radio New Zealand.

### Audience research

In *clause 5*, *new section 8C* is amended to clarify that the research relates to a representative selection of members of the public, including persons who are not members of Radio New Zealand's current audience.

### Departmental disclosure statement

The Ministry for Culture and Heritage considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.

**The Honourable Amy Adams, in Committee, to propose the amendments shown in the following document.**



*Hon Amy Adams*

## **Radio New Zealand Amendment Bill**

Government Bill

### **Contents**

		Page
1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	<del>Interpretation</del>	<del>2</del>
5	New sections 7, 8, and 8A to 8C substituted	2
	7 Public radio company to give effect to Charter	2
	8 Charter	2
	8A Principles of operation	3
	<u>8AB Commercial-free broadcasting</u>	<u>3</u>
	8B Review of Charter	4
	8C Reporting	5
6	Consequential amendments	5

### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Radio New Zealand Amendment Act **2009**.

#### **2 Commencement**

This Act comes into force on ~~1 January 2010~~ the day after the date on which it receives the Royal assent.

#### **3 Principal Act amended**

This Act amends the Radio New Zealand Act 1995.

#### 4 Interpretation

Section 2 is amended by inserting the following definition in its appropriate alphabetical order:

**commercial-free**—

- (a) means without advertising or sponsorship; but
- (b) to avoid doubt, does not include announcements by Radio New Zealand of its own services

#### 5 New sections 7, 8, and 8A to 8C substituted

Sections 7 and 8 are repealed and the following sections substituted:

##### 7 Public radio company to give effect to Charter

The public radio company must give effect to its Charter.

##### 8 Charter

The Charter of the public radio company is as follows:

###### *Purpose*

- (1) As an independent and commercial-free public service broadcaster, the public radio company's purpose is to serve the public interest.
- (2) Freedom of thought and expression are foundations of democratic society and the public radio company as a public service broadcaster plays an essential role in exercising these freedoms.
- (3) The public radio company fosters a sense of national identity by contributing to tolerance and understanding, reflecting and promoting ethnic, cultural, and artistic diversity and expression.
- (4) The public radio company provides reliable, independent, and freely accessible news and information.

###### *Delivery*

- (5) In achieving its purpose, the public radio company must endeavour to provide services of the highest quality, which—
  - (a) are predominantly and distinctively of New Zealand:
  - (b) inform, entertain, and enlighten the people of New Zealand:
  - (c) are challenging, innovative, and engaging:
  - (d) foster critical thought, and informed and wide-ranging debate:
  - (e) stimulate, support, and reflect the diversity of cultural expression, including drama, comedy, literature, and the performing arts:
  - (f) stimulate, support, and reflect a wide range of music, including New Zealand composition and performance:

- (g) reflect New Zealand's cultural identity, including Māori language and culture:
- (h) provide awareness of the world and of New Zealand's place in it:
- (i) provide comprehensive, independent, accurate, impartial, and balanced regional, national, and international news and current affairs:
- (j) provide programmes which balance special interest with those of wide appeal, recognising the interests of all age groups:
- (k) contribute towards intellectual and spiritual development:
- (l) include an international service to the South Pacific in both English and Pacific languages:
- (m) take account of services provided by other broadcasters:
- (n) take advantage of the most effective means of delivery:
- (o) preserve and archive broadcasting material of historical interest.

#### **8A Principles of operation**

- (1) The public radio company must, in fulfilling its Charter, exhibit a sense of social responsibility by—
  - (a) having regard to the interests of the community in which it operates; and
  - (b) endeavouring to accommodate or encourage those interests when able to do so.
- (2) The public radio company must, in fulfilling its Charter, ensure that it is not influenced by the commercial interests of other parties.
- (3) The public radio company must, in fulfilling its Charter, ensure that it operates in a financially responsible manner and, for this purpose, that it—
  - (a) prudently manages its assets and liabilities; and
  - (b) endeavours to ensure—
    - (i) its long-term financial viability; and
    - (ii) that it acts as a successful going concern.

#### **8AB Commercial-free broadcasting**

- (1) The public radio company must, in fulfilling its Charter, provide its services in a commercial-free manner.
- (2) **Subsection (1)** is subject to **subsection (3)**.
- (3) The public radio company may provide 1 or more of the services specified in **subsection (4)**, if the provision of the service or services—
  - (a) is consistent with its role as a public broadcaster; and
  - (b) does not impact adversely on the provision of its services under its Charter; and

(c) is a fair and appropriate use of public funds.

(4) **Subsection (3)** applies to the following:

(a) providing media services to countries outside New Zealand, other than Radio New Zealand International or any radio services that might replace, in whole or in part, Radio New Zealand International:

(b) authorising other providers of media services (whether by sale or licensing) to broadcast or publish content that has already been broadcast or published in a commercial-free manner by the public radio company:

(c) arranging for providers of delivery platforms to provide access to live broadcasts of the content of the public radio company, but only if—

(i) the content is free to access on the public radio company's services; and

(ii) the content is commercial-free, whether or not the delivery platforms are free to access; and

(iii) any advertising or sponsorship on the delivery platforms is not expressly or impliedly presented as advertising or sponsorship carried or endorsed by the public radio company (other than announcements of the public radio company's own services).

(5) In this section,—

**commercial-free**

(a) means—

(i) free to access; and

(ii) without advertising and sponsorship; but

(b) to avoid doubt, does not include announcements by the public radio company of its own services

**delivery platform—**

(a) means any method of transmitting audio, visual, or audiovisual content; and

(b) includes (but is not limited to) Internet sites, applications, and software.

## **8B Review of Charter**

(1) The House of Representatives must periodically review the Charter.

(2) The first review must be undertaken and completed as soon as practicable after 5 years after the commencement of the **Radio New Zealand Amendment Act 2009**.

(3) A subsequent review must be undertaken and completed as soon as practicable after the fifth anniversary of the later of the dates specified in **subsection (4)**.

(4) For the purposes of **subsection (3)**, the dates are—



- (a) the date on which the select committee ~~reviewing~~ that reviews the Charter presents its report to the House of Representatives;
- (b) the date on which any subsequent legislation ~~amending~~ that amends the Charter comes into force.

### 8C Reporting

- (1) The public radio company must include in its annual report required by section 150 of the Crown Entities Act 2004 an assessment of the extent to which its performance fulfils its Charter.
- (2) In making the assessment, the public radio company must take into account—
  - ~~(a) annual research relating to its current audiences; and~~
  - (a) research relating to a representative selection of members of the public (including persons who are not members of its current audience); and
  - ~~(b) research conducted from time to time (including people not in its current audiences); and~~
  - (c) the measures, if any, it has taken as a result of the research.
- (3) For the purposes of **subsection (2)(a)**, the public radio company must undertake or obtain the research on a regular basis, but at least once a year.

### 6 Consequential amendments

- (1) The definition of **Charter** in section 2 is amended by omitting “section 7” and substituting “**section 8**”.
- (2) Sections 11(2) and 15(2) are amended by omitting “the principles of operation of the company (as expressed in section 8)” and substituting “**section 8A with sections 8A and 8AB**”.