



COMMUNICATIONS LAW BULLETIN

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NEWS

NEW PUBLIC BROADCASTING LEGISLATION

The Government has announced that it will introduce amendments to the Broadcasting Act 1942 in the current budget sittings of Parliament, to reinforce community control of public broadcasting and community participation in programming.

Basically since 1976 the legislation applying to public broadcasters has been the same as that relating to commercial stations. Public broadcasting was separated out from commercial broadcasting by the Broadcasting and Television Act 1985.

The provisions to be introduced include the following:-

- when a public licensee is a corporation it must be a non-profit organisation;
- apart from limited exceptions, a licensee's funds can only be used to advance its station;
- no person or entity can control more than one public broadcasting licence;
- applicants for public licences must satisfy the Australian Broadcasting Tribunal that they have community support;
- public licences cannot be transferred;
- if a change of control occurs which may adversely affect the purpose of the licence or detract from the licensing criteria, the Tribunal may take remedial action; and
- a public licence must be conducted in accordance with its specific purpose, either community or special interest.

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