

1993-94

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

Presented and read a first time

(Communications and the Arts)

A BILL

FOR

An Act to amend the *Broadcasting Services Act 1992*

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *Broadcasting Services Amendment Act 1994*.

5 **(2)** In this Act, "**Principal Act**" means the *Broadcasting Services Act 1992*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

Minister may protect the free availability of certain types of programs

3. Section 115 of the Principal Act is amended:

- (a) by omitting from subsection (1) “, or the live televising of which,”;
- (b) by omitting subsection (2) and substituting the following subsections:

“(1A) The Minister may, by notice published in the *Gazette*, amend a notice under subsection (1) to specify an additional event, or events of a kind, the televising of which should, in the opinion of the Minister, be available free to the public.

“(2) The Minister may, by notice published in the *Gazette*, amend a notice under subsection (1) to remove an event from the notice.

Note: The following are examples of situations in which the Minister might exercise the power to remove an event from a notice:

Example 1

The national broadcasters and commercial television broadcasting licensees have had a real opportunity to acquire the right to televise an event, but none of them has acquired the right within a reasonable time. The Minister is of the opinion that removing the event from the notice is likely to have the effect that the event will be televised to a greater extent than if it remained on the notice.

Example 2

A commercial television broadcasting licensee has acquired the right to televise an event, but has failed to televise the event or has televised only an unreasonably small proportion of the event. The Minister is of the opinion that removing that event, or another event, from the notice is likely to have the effect that the removed event will be televised to a greater extent than it would be if it remained on the notice.”;

- (c) by inserting in subsection (3) “, (1A)” after “subsection (1)”.

NOTE

- 1. No. 110, 1992, as amended. For previous amendments, see Nos. 167, 171, 216 and 218, 1992; and Nos. 1 and 2, 1993.

