

Notices

ASSOCIATION OF ETHNIC BROADCASTERS & COORDINATORS (NSW)

UNRESOLVED MATTERS (2)

Inquiry into the cost of the News Department

On April 30, 1981, the SBS advised the Association that, amongst other matters, it had placed on the agenda of the forthcoming meeting of the SBS Board the motion passed by the Extraordinary General Meeting on March 16, 1981, which read as follows:

"...that an immediate and open inquiry be held into the News Department with regards to its efficiency and cost value..."

Despite the fact that more than ^{9/16} meeting of the SBS Board did occur, no reply was ever received about this issue by the Association. It must be pointed out that at the basis of this motion there is the fact that the growth of the News Department is occurring without consultation with broadcasters^o and coordinators^o and, therefore, not necessarily with relevance to their requirements.

Furthermore (see attachment) under the Act the section regarding the establishment of a News Department is specifically omitted (see Application of the Act, Section N.66, which is part of the ABC's legislation but omitted from the SBS legislation).

ATTACHED photostats of ABC and SBS Acts

Lines for conveyance of electric current to stations

" 74. (1) For the purpose of providing and operating the stations referred to in this Division, a person acting under the authority of the Minister may—

- (a) erect, place and maintain any electric line that is necessary for conveying electric current to, or for the operation of, any such station; and 5
- (b) arrange for and obtain from any person the supply of any electric current that is necessary or advisable for the operation of any such station.

" (2) Except in so far as the Minister otherwise determines, the erection, placing and maintenance of an electric line, and the supply of any electric current, in pursuance of sub-section (1) shall be without charge to the Commission. 10

" (3) In respect of the erection, placing and maintenance of an electric line by a person in pursuance of paragraph (a) of sub-section (1), that person has the same powers, and is subject to the same obligations, as are conferred or imposed on the Australian Telecommunications Commission under Part III of the *Telecommunications Act 1975* in relation to the erection, placing and maintenance of lines within the meaning of that Act. 15 20

" (4) In this section, 'electric line' includes all means used for the purpose of conveying, transmitting, transforming or distributing electricity and any casing, coating, covering, tube, tunnel, pipe, pillar, pole, post, frame, bracket or insulator enclosing, surrounding or supporting the same or any part thereof or any apparatus connected therewith." 25

18. The Principal Act is amended by inserting after Part III the following Parts:

" PART IIIA—THE SPECIAL BROADCASTING SERVICE

" *Division 1—Preliminary*

- " 79B. In this Part, unless the contrary intention appears— 30
- 'Chairman' means the Chairman of the Service;
 - 'Executive Director' means the Executive Director of the Service;
 - 'member' means a member of the Service;
 - 'program' means a broadcasting program or a television program.

" *Division 2—Establishment, Functions and Powers of Service* 35

" 79C. There is established by this Part a body by the name of the Special Broadcasting Service.

" 79D. The functions of the Service are—

- (a) to provide multilingual broadcasting services and, if authorized by the regulations, to provide multilingual television services; and 40
- (b) to provide broadcasting and television services for such special purposes as are prescribed.

Inter-pretation

Establishment

Functions

" 79E. (1) The Service may do all things that are necessary or convenient to be done for or in connexion with, or as incidental to, the performance of its functions and, in particular, may— Powers

- 5 (a) produce or present programs or arrange, or provide facilities, for the production or presentation of programs;
- (b) subject to section 73 as applied in accordance with section 79Z1, transmit programs or provide facilities for the transmission of programs;
- 10 (c) arrange for the transmission of programs;
- (d) acquire, accept or take on hire, or dispose of or let out, personal property (including programs or rights or interests in programs);
- (e) acquire, hold or dispose of land and buildings;
- (f) enter into contracts;
- 15 (g) accept gifts, devises or bequests made to the Service, whether on trust or otherwise, or act as trustee of moneys or other property vested in the Service on trust;
- (h) occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Service; and
- 20 (i) do anything incidental to any of its powers.

" (2) The provision under this Part of broadcasting or television services shall be in accordance with such principles as are prescribed.

25 " (3) Notwithstanding anything contained in this Part, any moneys or other property vested in the Service on trust shall be dealt with in accordance with the powers and duties of the Service as trustee.

30 " 79F. Where the Service arranges, or provides facilities, for the production, presentation or transmission of programs by other persons, it is the responsibility of the Service to ensure that those programs comply with the provisions of this Act and the regulations to the extent that those provisions are applicable to those programs, but this sub-section does not limit the application of those provisions to those persons. Responsibility for programs

" *Division 3—Constitution and Meetings of Service*

" 79G. (1) The Service—

- 35 (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue or be sued in its corporate name.

" (2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Service affixed to a document and shall presume that it was duly affixed.

40 " 79H. (1) The Service shall consist of a Chairman and not less than 2, nor more than 6, other members. Membership

- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Service during the year have been in accordance with this Part; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“ (3) The Service shall furnish to the Minister such additional reports, with or without financial statements, as the Minister from time to time requires.

“ (4) The Minister shall cause—

- (a) copies of the report and financial statements of the Service furnished to him under sub-section (1), together with a copy of the report of the Auditor-General; and
- (b) copies of any report and financial statements furnished to him under sub-section (3),

to be laid before each House of the Parliament within 15 sitting days of that House after having been received by the Minister.

“ 79ZJ. (1) Sections 60, 63, 64, 72 to 77 (inclusive), 78A, 112, 113, 113A, 115, 116 (other than sub-section (1)), 117, 117A, 118, 124A and 131 apply, with such exceptions and subject to such modifications and adaptations as are prescribed, in relation to the Service, to programs broadcast or televised under Part IIIA and to stations used by the Service as they apply in relation to the Commission, to programs broadcast or televised by the Commission and to stations used by the Commission.

“ (2) In sub-section (1), ‘ station ’ means a broadcasting station, television station, broadcasting translator station, television translator station or television repeater station.

“ PART IIIB—LICENCES

“ 80. (1) In this Part, except where the contrary intention appears— ‘ applicant ’, in relation to a licence, means a person who has lodged an application for the grant of the licence in accordance with sub-paragraph (i) of paragraph (b) of sub-section (1) of section 82;

- ‘ licence ’ means—
- (a) a licence for a commercial broadcasting station;
- (b) a licence for a commercial television station;
- (c) a broadcasting translator station licence;
- (d) a television translator station licence;
- (e) a television repeater station licence;
- (f) a public broadcasting licence;
- (g) a public television licence; or
- (h) a licence to which section 130A applies;

Application
of Act

Interpretation

(b) enter into any lease for a period exceeding ten years.

X 62. Notwithstanding anything contained in this Act, the Commission shall not be empowered to enter into any agreement involving any expenditure by the Commission in excess of \$250,000, or extending over a period of more than ten years, unless the approval of the Minister thereto has first been obtained.

Agreement to receive approval in certain cases
Amended by No. 33, 1956, s. 27; No. 57, 1956, s. 4; No. 5, 1971, s. 13; No. 187, 1974, s. 17

63. (1) The Commission shall provide such studios, offices and other accommodation as are necessary for the performance of its powers and functions under this Act, and such accommodation in relation to the studios as the Minister requires for the carrying out of the technical services to be provided in pursuance of sub-section (2) of section 73.

Studios to be provided by Commission
Submitted by No. 160, 1977, s. 16

(2) The location of any studios to be provided by the Commission in pursuance of sub-section (1) shall be subject to the approval of the Minister.

64. Subject to this Act, the Commission shall broadcast or televise free of charge from all the national broadcasting stations or national television stations, or from such of them as the Minister specifies, any matter the broadcasting or televising of which is directed by the Minister in writing as being in the national interest.

Authorized transmissions
Submitted by No. 38, 1956, s. 28

X 65. (1) The Commission shall not broadcast or televise advertisements.

Advertisements
Sub-section (1) amended by No. 33, 1956, s. 29

(2) Nothing in this section shall be construed as preventing the Commission from broadcasting or televising, if it thinks fit—

Amended by No. 33, 1956, s. 29 and 62; No. 47, 1967, s. 8; No. 89, 1976, s. 17

- (a) any announcement relating to any activity or proposed activity of the Commission;
- (b) a program supplied by any organization or person engaged in artistic, literary, musical or theatrical production or in educational pursuits; or
- (c) a program supplied by any organization or person, provided the program is not, in the opinion of the Commission, being used as an advertisement,

or from broadcasting or televising any matter the broadcasting or televising of which is directed by the Minister in pursuance of the last preceding section.

66. (1) The Commission shall broadcast daily from all national broadcasting stations regular sessions of news and information relating

News services
Submitted by No. 39, 1946, s. 5

ABC
NEWS

Repealed from ABC
SBS



NOT APPLICABLE TO SBS

s. 66

to current events within the Commonwealth and in other parts of the world.

(2) The Commission shall employ an adequate staff, both in the Commonwealth and in overseas countries, for the purpose of collecting the news and information to be broadcast in pursuance of this section.

(3) The Commission may also procure news and information relating to current events in other parts of the world from such overseas news agencies and other overseas sources as it thinks fit.

Bands and
orchestras
Amended by
No. 23, 1958,
s. 30

67. The Commission shall endeavour to establish and utilize, in such manner as it thinks desirable in order to confer the greatest benefit on broadcasting or television, groups of musicians for the rendition of orchestral, choral and band music of high quality.

Division 4—Finances of the Commission

Moneys
payable to
Commission

Substituted by
No. 8, 1971, s. 14

Amended by
No. 36, 1978, s. 3

68. (1) There are payable to the Commission such moneys as are appropriated by the Parliament for the purposes of the Commission.

(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, moneys referred to in the last preceding sub-section are to be paid to the Commission.

Bank
accounts
Substituted by
No. 8, 1971, s. 14

69. (1) The Commission may open and maintain an account or accounts, in Australia or elsewhere, with an approved bank or approved banks and shall maintain at all times at least one such account.

(2) The Commission shall pay all moneys of the Commission into an account referred to in this section.

Application
of moneys
Substituted by
No. 8, 1971, s. 14

70. (1) The moneys of the Commission shall be applied only—

- in payment or discharge of expenses, obligations and liabilities of the Commission arising under this Act; and
- in payment of remuneration or allowances payable to Commissioners.

Amended by
No. 36, 1978, s. 3

(2) The Commission shall not expend any moneys otherwise than in accordance with estimates of expenditure approved by the Minister for Finance.

Accounts
and records
to be kept
Substituted by
No. 8, 1971, s. 14

71. The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.