



**AN BILLE UM UDARAS CRAOLACHAIN (LEASU), 1975
BROADCASTING AUTHORITY (AMENDMENT) BILL, 1975**

EXPLANATORY MEMORANDUM

1. The Bill proposes to amend the Broadcasting Authority Acts, 1960 to 1974 and the Wireless Telegraphy Acts, 1926 to 1972.

2. Section 1 contains definitions.

3. Section 2 provides that a member of the RTE Authority may be removed from office only by resolution of both Houses of the Oireachtas.

4. Section 3 contains detailed statutory restraints on the RTE Authority in regard to objectivity and impartiality, broadcast of matter likely to incite to crime or to lead to disorder and intrusion on individual privacy.

5. Section 4 provides for the setting up by the Government of an independent Commission to be known as the Broadcasting Complaints Commission to adjudicate on certain types of complaints including complaints of non-compliance by RTE with certain statutory functions. Specifically the Commission would deal with complaints relating to

- (i) breaches of the statutory requirements regarding objectivity and impartiality,
- (ii) breaches of the prohibition on broadcasting, distributing or publishing matter likely to promote or incite to crime or to lead to disorder,
- (iii) breaches of any statutory direction issued concerning this prohibition,
- (iv) breaches of the prohibition on unjustifiable intrusion on individual privacy,
- (v) breaches of the RTE Authority's code of advertising standards,
- (vi) breaches of other codes of programme practice of the Authority which the Minister, following consultation with the Authority, would direct the Commission to include among its criteria for assessing complaints.

6. Section 5 confers on the RTE Authority power to appoint advisory committees and advisers with the consent of the Minister. The power to make such appointments rests with the Minister under the present Act.

7. Section 6 enables the Minister, after consultation with the Authority, to direct them to rebroadcast programmes broadcast by other broadcasting organisations in addition to the Authority's own programmes. This section provides the enabling power to implement the open broadcasting concept here.

8. Section 7 requires the RTE Authority to make recordings of its programmes available to the Broadcasting Complaints Commission on request and to retain recordings for a period to be agreed upon by the Commission and the Authority.

9. Section 8 gives the Minister power, with the consent of the Minister for Finance and the Minister for the Public Service to assign by Statutory Order additional functions to the RTE Authority. This section is intended to facilitate the setting up of subsidiaries by RTE to engage in particular activities should this be deemed appropriate.

10. Section 9 provides for payment, for an unlimited period, of net receipts from broadcasting licence fees and cable television licence fees to RTE. It also provides for charging of the expenses of the Broadcasting Complaints Commission against licence fee receipts.

11. Section 10 provides for an increase of £11 million in the amount that may be advanced to RTE from the Central Fund for capital purposes. This is an enabling provision only.

12. Section 11 provides enabling power for borrowing by RTE in foreign currencies for the general purposes of broadcasting, subject to the consent of the Minister and of the Minister for Finance.

13. Section 12 gives statutory authority to RTE to rebroadcast programmes broadcast by other broadcasting organisations when directed to do so by the Minister under Section 6 of this Bill. It also clarifies RTE's power to provide and maintain multi-channel cable television systems.

14. Section 13 widens and clarifies the general duty of the Authority in regard to their obligation to provide a national broadcasting service.

15. Section 14 gives the Authority greater flexibility as regards hours of broadcasting and allocation of time for broadcasting advertisements while maintaining Ministerial control over the total amount of broadcasting hours, the overall volume of advertising time and the maximum amount of advertising permitted in a single hour. At present the periods fixed by the Authority for broadcasting, the total amount of broadcasting time allocated to advertisements and the distribution of that time throughout the programmes are subject to the approval of the Minister.

16. Section 15 enables the Authority to borrow temporarily in foreign currencies for current expenditure and, in exceptional circumstances to borrow temporarily for the general purposes of broadcasting. The former power may be exercised only with the consent of the Minister and the Minister for Finance and the latter only with the consent of the Minister.

17. Section 16 enables the Minister to issue a direction by Statutory Order to RTE to refrain from broadcasting a particular matter or matter of a particular class which in his opinion would be likely to promote or incite to crime or to lead to disorder. A Statutory Order so made would be subject to annulment by resolution passed by either House of the Oireachtas. The order, if not annulled, would remain in force for a period not exceeding 12 months but the period could be extended by further orders made by the Minister or by resolutions passed by both Houses of the Oireachtas. The present Act provides for issue by the Minister of a direction in writing to refrain from broadcasting any particular matter or matter of any particular class.

18. Section 17 amends the Wireless Telegraphy Act, 1926 to provide enabling power to regulate local programmes for distribution on cable systems.

19. Section 18 amends the definition of Wireless Telegraphy in the Wireless Telegraphy Act, 1926 to cover any apparatus that uses the airwaves for communication of messages and signals, and to make it clear that it includes wired broadcast relay stations.

20. Section 19 amends Section 12A of the Wireless Telegraphy Act to strengthen the Minister's powers in relation to control of interference to TV and radio sets caused by electrical appliances. It provides powers to test samples of items that may be suspected of infringing Interference Regulations and to apply Interference Regulations to goods being exported to countries to be specified by order. Provision is also made to convey the new powers in relation to the detection of interference to RTE and to a body other than RTE if the need should arise. In addition to providing more effective powers to control interference, the section is geared to meet obligations likely to arise under EEC directives on interference.

21. Section 20 provides that certain sections of the Wireless Telegraphy Act, 1926 dealing with statutory declarations, search warrants etc. will apply to apparatus used in provision or distribution of local programmes referred to in paragraph 18 above.

22. Under Section 21 (repeals) the consent of the Minister will no longer be necessary before the Authority can publish and distribute magazines, books, papers, other printed matter and recorded aural and visual material.

23. Section 22 contains the short title and the collective citation and construction of various Acts concerned.

*An Roinn Poist agus Telegrafa,
Feabhra, 1975.*

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11. Section 11 amends the Wireless Telegraphy Act, 1926 to provide enabling power to regulate local programmes for distribution on cable systems.

12. Section 12 gives statutory authority to RTE to retransmit programmes on cable systems and to do so by means of multi-channel cable television systems.

13. Section 13 widens and clarifies the duty of the Authority in regard to their obligations in relation to casting service.

14. Section 14 gives the Authority greater flexibility in regard to advertising and allocation of time for broadcasting advertisements while maintaining Ministerial control over the amount of broadcasting hours, the overall volume of advertising time and the maximum amount of advertising permitted in a single hour. At present the periods fixed by the Authority for broadcasting, the total amount of broadcasting time allocated to advertisements and the distribution of that time throughout the programmes are subject to the approval of the Minister.

15. Section 15 enables the Authority to borrow temporarily in foreign currencies for current expenditure and, in exceptional circumstances to borrow temporarily for the general purposes of broadcasting. The former power may be exercised only with the consent of the Minister and the Minister for Finance and the latter only with the consent of the Minister.

16. Section 16 enables the Minister to issue a direction by Statutory Order to RTE to refrain from broadcasting a particular matter or matter of a particular class which in his opinion would be likely to promote or incite to crime or to lead to disorder. A Statutory Order so made would be subject to annulment by resolution passed by either House of the Oireachtas. The order, if not annulled, would remain in force for a period not exceeding 12 months but the period could be extended by further orders made by the Minister or by resolutions passed by both Houses of the Oireachtas. The present Act provides for issue by the Minister of a direction in writing to refrain from broadcasting any particular matter or matter of any particular class.

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