



Australian Capital Territory

# **Legislative Assembly (Broadcasting of Proceedings) Act 1997    No 31**

## **Republication No 1**

Republication date: 18 February 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Legislative Assembly (Broadcasting of Proceedings) Act 1997* as in force on 18 February 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Legislative Assembly (Broadcasting of Proceedings) Act 1997

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Amendments incorporated to  
12 September 2001



Australian Capital Territory

# **Legislative Assembly (Broadcasting of Proceedings) Act 1997**

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An Act relating to the broadcasting of proceedings of the Legislative  
Assembly

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Legislative Assembly (Broadcasting of Proceedings) Act 1997*.

### 3 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***broadcast*** means to transmit sound or visual images by radio, television, landline or any other electronic means.

***government office*** means a place where officers or employees of the public service perform their duties.

***Speaker*** means the person elected under the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 11.

## **Part 2                      Broadcasting of proceedings to government offices**

### **4            Authorisation of broadcasting to government offices**

- (1) The Speaker may, in writing, authorise the broadcasting of proceedings of the Legislative Assembly or a committee of the Assembly to specified government offices.
- (2) An authorisation is subject to any conditions specified in it.
- (3) The Speaker shall, within 3 sitting days of the Legislative Assembly after an authorisation is given, varied or revoked, cause a copy of the authorisation, variation or revocation to be laid before the Legislative Assembly.
- (4) The validity of an authorisation, or a variation or revocation of an authorisation, is not affected by a failure to comply with subsection (3).

### **5            Compliance with conditions of authorisation**

A person who broadcasts proceedings of the Legislative Assembly, or a committee of the Assembly, pursuant to an authorisation under section 4 shall comply with any conditions to which the authorisation is subject.

### **6            No action for broadcasting proceedings under pt 2**

No proceedings, civil or criminal, lie against a person for broadcasting proceedings of the Legislative Assembly or a committee of the Assembly in accordance with an authorisation under section 4.

## **Part 3                      Broadcasting of proceedings to the public**

### **7            Guidelines for authorisations**

- (1) The Standing Committee on Administration and Procedure of the Legislative Assembly shall consider, and report to the Assembly on, the principles on which broadcasting to the public of proceedings of the Assembly or a committee of the Assembly should be authorised.
- (2) The Legislative Assembly may adopt, with or without modification, the principles contained in a report under subsection (1).
- (3) The Legislative Assembly may vary or revoke any principles adopted under subsection (2), adopt additional principles on which broadcasting to the public of proceedings of the Legislative Assembly or a committee of the Assembly should be authorised or vary or revoke any additional principles so adopted.

### **8            Authorisation of public broadcasts**

- (1) The Speaker may, by writing, authorise a person to broadcast to the public—
  - (a) proceedings of the Legislative Assembly, or a committee of the Assembly, that are in the opinion of the Speaker, having regard to any relevant principles in effect under section 7, of sufficient significance to warrant broadcasting; or
  - (b) a recording of any such proceedings.
- (2) An authorisation is subject to any conditions specified in it.
- (3) The Speaker shall not grant an authorisation under subsection (1) otherwise than in accordance with any relevant principles in effect under section 7.



- (4) The Speaker shall, within 3 sitting days of the Legislative Assembly after an authorisation is given, varied or revoked, cause a copy of the authorisation, variation or revocation to be laid before the Legislative Assembly.
- (5) The validity of an authorisation, or a variation or revocation of an authorisation, is not affected by a failure to comply with subsection (3) or (4).

## **9 Unauthorised broadcasting of proceedings**

- (1) A person shall not broadcast to the public—
  - (a) proceedings of the Legislative Assembly or a committee of the Assembly; or
  - (b) a recording of any such proceedings;unless he or she has been authorised to do so under section 8.
- (2) A person who has been granted an authorisation under section 8 shall, in making a broadcast under the authorisation, comply with any conditions to which the authorisation is subject.

## **10 Privilege in respect of authorised broadcasts**

- (1) It is a defence to an action for defamation in respect of matter contained in a broadcast of proceedings of the Legislative Assembly, or a committee of the Assembly, made in accordance with an authorisation under section 8 that the defamatory matter was broadcast by the defendant without any adoption by the defendant of the substance of the matter and the defamatory matter was contained in a fair and accurate report of the proceedings.
- (2) This section does not deprive a person of any defence that would have been available to him or her if this section had not been enacted.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended  
amdt = amendment  
ch = chapter  
cl = clause  
def = definition  
dict = dictionary  
disallowed = disallowed by the Legislative  
Assembly  
div = division  
exp = expires/expired  
Gaz = Gazette  
hdg = heading  
ins = inserted/added  
LA = Legislation Act 2001

LR = legislation register  
LRA = Legislation (Republication) Act 1996  
mod = modified / modification  
num = numbered  
No = number  
o = order  
om = omitted/repealed

ord = ordinance  
orig = original  
p = page  
par = paragraph  
pres = present  
prev = previous  
(prev...) = previously  
prov = provision  
pt = part  
r = rule/subrule  
reg = regulation/subregulation  
renum = renumbered  
reloc = relocated  
R[X] = Republication No

s = section/subsection  
sch = schedule  
sdiv = subdivision  
sub = substituted  
SL = Subordinate Law  
underlining = whole or part not commenced

### 3 Legislation history

**Legislative Assembly (Broadcasting of Proceedings) Act 1997 No 31**

notified 16 July 1997 (Gaz 1997 No S185)

ss 1-6 commenced 16 July 1997 (s 2 (1))

remainder commenced 20 August 1997 (s 2 (2) and Gaz 1997 No S252)

as amended by

**Legislation (Consequential Amendments) Act 2001 No 44 pt 221**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 221 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

### 4 Amendment history

**Commencement**

s 2 om 2001 No 44 amdt 1.2628

Authorised when accessed at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or in authorised printed form

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