



Australian Capital Territory

# **Legislative Assembly (Broadcasting) Act 2001**

**No 69 of 2001**

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Australian Capital Territory

# **Legislative Assembly (Broadcasting) Act 2001**

**No 69 of 2001**

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An Act about broadcasting of proceedings of the Legislative Assembly and its committees

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*[Notified in ACT Gazette No. S66: 10 September 2001]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

## **1 Name of Act**

This Act is the *Legislative Assembly (Broadcasting) Act 2001*.

## **2 Commencement**

- (1) This Act commences on a day fixed by the Minister by notice in the Gazette.
- (2) The Minister must consult the Speaker before fixing a day for subsection (1).

*Note 1* The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Legislation Act 2001*, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see *Legislation Act 2001*, s 79).

## **3 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156).

## **4 Notes**

A note included in this Act is explanatory and is not part of the Act.

*Note* See *Legislation Act 2001*, s 127 for the legal status of notes.

## **5 Broadcasting of proceedings**

- (1) A person may broadcast, or record for broadcast, all or part of public proceedings of the Legislative Assembly or a committee of the Assembly.
- (2) The Legislative Assembly may, by resolution, determine the way rights given by subsection (1) must be exercised.
- (3) If the Legislative Assembly makes a determination under subsection (2), a person exercising rights under subsection (1) must comply with the determination.

## **6 Withdrawal of rights to broadcast**

- (1) The Legislative Assembly may, by resolution, withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly.
- (2) The Legislative Assembly may, by resolution, delegate to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly or a committee of the Assembly.
- (3) The Legislative Assembly may, by resolution, delegate to a committee of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the committee.
- (4) A resolution under subsection (1), (2) or (3) may state the way in which a right to broadcast or record may be withdrawn.

## **7 Electronic access to proceedings**

- (1) A person may apply in writing to the clerk for access to the recording and transmission facilities of the Legislative Assembly for transmission to the applicant of public proceedings of the Legislative Assembly or a committee of the Assembly.

*Note* If a form is approved under s 10 (Approved forms) for an application, the form must be used.

- (2) The clerk must give the access requested in an application under subsection (1) if—
- (a) the clerk is satisfied that the recording and transmission facilities of the Legislative Assembly have the capacity to satisfactorily support the equipment the applicant proposes to connect to them; and
  - (b) the clerk is satisfied the mode of access requested is reasonable for the purpose for which it is sought; and
  - (c) the applicant's right to broadcast the proceedings for which the application is made has not been withdrawn under this Act; and
  - (d) the applicant enters into a written agreement with the Territory to—
    - (i) comply with any determination in effect under section 5 (2); and
    - (ii) provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the *access equipment*); and
    - (iii) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and
    - (iv) pay the costs and expenses of maintaining the access equipment; and
    - (v) pay the costs and expenses of the Legislative Assembly secretariat in giving access to the proceedings of the Legislative Assembly and its committees by the access equipment.

## **8 Withdrawal of electronic access**

- (1) The clerk may withdraw electronic access to proceedings given to a person under section 7 if the person—

- (a) ceases to be entitled to broadcast, or record for broadcast, proceedings of the Legislative Assembly or a committee of the Assembly under this Act; or
  - (b) does not comply with the person's agreement under section 7 (2) (c).
- (2) If a person's electronic access to proceedings is withdrawn under subsection (1) (a), the clerk must restore the access if the person again becomes entitled to broadcast, or record for broadcast, proceedings of the Assembly or a committee of the Assembly under this Act and applies to the clerk in writing for restoration of the access.
- (3) If a person's electronic access to proceedings is withdrawn under subsection (1) (b), the clerk must restore the access if the person remedies his or her breach of the agreement and applies to the clerk in writing for restoration of the access.

## **9 Privilege for broadcasts**

- (1) Neither civil nor criminal proceedings may be brought against a member of the Legislative Assembly secretariat for transmitting or broadcasting proceedings of the Legislative Assembly, or a committee of the Assembly, in carrying out the member's duties.
- (2) It is a defence to an action for defamation for matter in a broadcast of proceedings of the Legislative Assembly, or a committee of the Assembly, made in the exercise of a right given by this Act that the defamatory matter was broadcast by the defendant without adoption by the defendant of the substance of the matter and the defamatory matter was part of a fair and accurate report of the proceedings.
- (3) Subsection (2) does not deprive a person of a defence that the person has apart from this section.
- (4) Subsection (2) does not apply to a person for a broadcast made by the person while the person's right to make the broadcast was withdrawn under section 6 (Withdrawal of rights to broadcast).

**10 Approved forms**

- (1) The clerk may, in writing, approve forms for this Act.
- (2) If the clerk approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**11 Repeal of Legislative Assembly (Broadcasting of Proceedings) Act**

The *Legislative Assembly (Broadcasting of Proceedings) Act 1997* No 31 is repealed.



## Dictionary

(see s 3)

***broadcast*** includes—

- (a) transmission to the public by radio, television, landline, the Internet or any other electronic means; and
- (b) rebroadcast.

***clerk*** means the clerk of the Legislative Assembly.

***Legislative Assembly secretariat*** means the clerk and the public servants who assist the clerk in the exercise of the clerk's functions.

***public proceedings***, of the Legislative Assembly or a committee of the Assembly, means proceedings of the Assembly or committee open to the public.

***rebroadcast*** means to broadcast from a recording.

***record***, proceedings of the Legislative Assembly or a committee of the Assembly, means make a sound or visual recording of the proceedings.

*[Presentation speech made in Assembly on 9 August 2001]*