

2001
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY (BROADCASTING) BILL 2001
EXPLANATORY MEMORANDUM

Circulated by the authority of
Gary Humphries MLA
Chief Minister
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Outline

The Legislative Assembly (Broadcasting) Bill 2001 replaces the *Legislative Assembly (Broadcasting of Proceedings Act) 1997* and provides more open and flexible access to the broadcasting or recording for broadcast of the proceedings of the Legislative Assembly and its committees.

The proposed Act removes the requirement to authorise all access to audio and/or visual recording and broadcast of all public proceedings of the Legislative Assembly and its committees. Open access is provided subject to any resolution of the Legislative Assembly of how this right is to be exercised. However, in order to maintain the Legislative Assembly's capacity to maintain control over broadcasts and rebroadcasts of the proceedings, the legislation provides the means by which the Legislative Assembly can withdraw the right to broadcast or record for broadcast the public proceedings of the Legislative Assembly and its committees if required or because the conditions for accessing these broadcasts are breached.

The Legislative Assembly, by resolution, will have the capacity to set conditions or guidelines for the audio and/or visual recording and broadcast of proceedings of the Legislative Assembly and its committees.

The Bill

Section 1 **Name of Act**

This section cites the name of the Act as being the *Legislative Assembly (Broadcasting) Act 2001*.

Section 2 **Commencement**

This section provides for the Act to commence on a day fixed by the Minister by notice in the gazette after consultation with the Speaker about the day on which the provisions of the Act are to be commenced.

Section 3 **Dictionary**

This section describes the function, role and place of the Dictionary in the Act.

Section 4 **Notes**

This section explains that a note in the proposed Act is merely explanatory and not part of the proposed Act.

Section 5 **Broadcasting of proceedings**

This section provides for access to the broadcasting or recording for broadcast of proceedings. However, it also provides for a resolution of the Legislative Assembly to determine how this right is to be given, and provides for the compliance under this determination for those accessing recording or broadcasting proceedings.

- Section 6** **Withdrawal of rights to broadcast**
- This section provides for the withdrawal of access to the broadcasting or recording for broadcast of public proceedings. It empowers the Legislative Assembly to delegate to the Speaker and or its committees, in certain circumstances, the authority to withdraw the right to record or broadcast their public proceedings. It also provides for a resolution of the Legislative Assembly to determine how this access can be withdrawn.
- Section 7** **Electronic access to proceedings**
- This section provides for telecommunications access to proceedings and defines the conditions and requirements for gaining access and responsibility for costs involved.
- Section 8** **Withdrawal of electronic access**
- This section provides for the withdrawal of telecommunications access and its possible reinstatement.
- Section 9** **Privilege for broadcast**
- This section provides for the protection of those persons transmitting, broadcasting and rebroadcasting the public proceedings of the Legislative Assembly and its committees. It provides unqualified protection for the Assembly Secretariat and qualified protection for others involved in the broadcast of proceedings.
- Section 10** **Approved forms**
- This section describes the administrative and accountability requirements for approved forms.
- Section 11** **Repeal of Legislative Assembly (Broadcasting of Proceedings) Act**
- This section repeals the Act that this Act replaces.
- Dictionary**
- Defines certain words and expressions used in the proposed Act.